THE

HISTORY
OF THE
UNION
Of the four famous Kingdoms
OF ENGLAND, WALES, SCOTLAND and IRELAND.

Wherein is demonstrated that by the prowess and prudence of the English, those four distinct and discordant Nations, have upon several conquests been entirely united and devolved into one Commonwealth, and that by the candor of clemency, and deduction of Colonies, alteration of Laws, and communication of Language, according to the Roman rule, they have been maintained & preserved in peace and union.

Quis ille tam confidens, aut tantis cervicibus, qui audeat historiam usquequaque veram scribere? Lipsi. l. 5. c. 11.

Qui non libere veritatem pronunciat, proditor veritatis est? Cok. l. 11. f. 83.

By a lover of truth and his Country.

London, Printed for *Thomas Brewster*, and are to be sold at the three Bibles at the West end of *Paul's*. 1659.

To the Right Honourable *William Lentball* Esq; Speaker of the PARLIAMENT of the Commonwealth of *England*.

Right Honourable,

IT is ascribed to Sir *William Paulet* for Prudence, that in four several Kings and Queens reigns, which were obnoxious to perillous Innovations, he demeaned

himſelf ſo obſervantly and cautiouſly in thoſe tempeſtuous and dangerous times, that he conſtantly held his head above water and augmented his advancement, when numerous Noble perſonages were plunged in their abyſs: And have not there happened almoſt as many pernicious mutations and factions within theſe four years in this State, as were in the Roman Republique for the ſpace of five hundred? wherein your Honour hath ſo circumſpectly and vigi-

vigilantly ſteered your courſe, that you have not only ſhunned ſhipwrack, which many others did ſuffer, but have alſo fixed your bottom in the harbour of felicity, and at this preſent with the applauſe and approbation of all men, do ſit at the helm of this Commonwealth.

Iſtuc eſt ſapere, qui ubicunq; opus ſit animum poſſit flectere. Terent. Hecyr.

And the Author cordially wiſheth that you may equal, if not exceed the years of that famous Councellor of State, that Sir *Will. Paulet* lived within 3 years of one hundred.

(as he did) by your grave direction and ſage advice to the great Council of this Commonwealth, and by its provident reſolves, Tranquillity and peace may be ſetled in theſe Nations, and a firm Union eſtabliſhed and preſerved in them. To which purpoſe the Author hath been induced to preſent to your Honour this impolite Hiſtory concerning the Union of theſe Nations, as *Marcus Terentius Varro* did his Book *de origine linguæ Latinæ* to *Marcus Tullius Cicero*, not

by

by way of inſtruction to admoniſh you, but by way of reference to be cenſured by you as an equal arbitrator, whether it be worthy of the publique light, and may tend to the publique good, which is the butt & burthen of his labours; wherein he hath had an eſpecial care according to his skill; that as *Polibius* preſcribeth *ſoli veritati litaret*, he ſhould ſacrifice ſolely to truth; and that neither for any miſter conceit he ſhould detract from any, or for any favourable reſpect flatter

flatter any, but to pourtrait every person according to his just proportion: And if it be conceived that in some passages he hath accidentally slipped, seeing he hath endeavoured to ascend the highest and slippery places, he hopeth well that your Honour will be pleased to pardon his slips and over-sights, they proceeding from imbecillity and not pertinacy, and to cover them with his good intentions; that you will be as equal towards him, as he is towards

wards the great God, whom he knoweth not to have given all things to one man. So beſeeching the Almighty to lengthen your days to the great good of this Commonwealth, he ſubmiſſively taketh his leave.

Your Honours moſt
devoted Servant.

M. H.

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M. H.

To the READER.

Most men are naturally prone to applaud the times behind them, and to vilifie the present, as the Poet,

Hoc hodie ingenium est multis, ut tempora (prisca
Anteferant nostris, tantum laudentque quod (absit. *Clapmar.*

And upon the dislike of
every present Governmen
are desirous of a change
& like the fish Sepia *trou-*
ble all the waters wherein
they live: whereas al
Rom. 13. 1. *Government is of God*
whether Monarchical, A-
ristocratical, or Democrati-
Dan. 2. 21. *cal, who at his pleasur*
changeth the times and se-
sons, and removeth and set-
eth up Kings; and there-
fore ought all Gods peopl
to submit and vail to hi
irresistible will, and to b
obedient to the present Go-
vernment introduced by hi
providence: whence may b
inferre

inferred, that thoſe are of a ſerpentine and diveliſh diſpoſition, who by ſeducing pamphlets, and captious conceits, imploy their turbulent ſpirits to ſcatter the ſeeds of ſedition, and to foment commotions in ſuch novel ſtates, not with an intention of the publick good, as they glorioufly pretend, but to make way for their peculiar intereſt and preſumptuous preferment; wherein doubtleſs Cœlum irritant armis, *they vainly make War with Heaven, and irritate the divine vengeance to their*

diſmal confuſion, who delighting to fiſh in ſuch Stygian and troubled waters, Sæpe piſcatores capti ſunt *are commonly catched in their own net, and like ambitious bees drowned in their own honey. Examples of which we need not ſeek from forraign parts, our Nation affording too many, who through ſuch deſperate and dangerous inſurrections have wrought the ruine of their generations and themſelves: and not to ſpeak of the laſt combuſtion which is like to produce the ſame effects and forfeitures, the*

Author

Author wiſheth in General Quod icti piſcatores ſapiant; *that being ſtruck with this Scorpion they may cautiouſly avoid the like danger, and wiſely ſhun ſuch deſtructive practices: for it is not his drift to trample on the afflicted, nor to upbraid any one with the commemoration of their preterit exorbitancies, but to draw every one within the circumference and liſt of peace, amity, and union.* For *what an horrid and inhumane ſpectacle hath it been, and ſtill is to ſee, that the Engliſh Nation*

which hath alwaies been accompted fierce againſt their foes, and faithful to their friends, ſhall now become more fierce and faithleſs one againſt another, and ſheath their ſwords in their own bowels; ſuch an unſociable and unnatural War, producing the extirpation of many noble families and tending to the deſtruction of the whole Nation. Wherefore for our own and countryes ſafety, be exhorted and perſwaded (that whereas by the unanimous valour and conſtant circumſpection of the Engliſh thoſe three va-

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liant Nations of Wales, Scotland, *and* Ireland, *have been totally vanquished and entirely united into one Commonwealth with* England, *and at this present made a firm quaternity and invincible phalanx against all forraign Forces) to set aside all civil discords and discontents, and to remove them as far from us.*

Quantum Hyspanis Venetus (dissidet Eridano,

As far as Scythia *dissideth from* Italy, *or* Spain *from* Brita-

Britanny, *and to bend and unite our national Forces against our forraign and outlandish Enemies, that thereby we may live in unity and safety among our selves. For as we are instructed by Philosophy, that there are two principles of all things,* Concord *and* Discord, *the one dissolving and consuming all things; so are we taught by it's Mistress Experience that petty states are by Concord and union augmented, and grand ones by Discord and Disunion brought*

brought to confusion, as the Poet pressly.

Discordia gaudet
Permiscere fretũ cœlo. *Sil. Ital.*

Vale atque his utere
(mecum.

Ode

Ode Triumphalis

Ad lætè Dominantem Angliam.

ANguſta laurus palmaq; vilior,
Quæcunque priſcis gratia ho-
(noribus,
Sordeſcat ad famam potentis,
Angliæ & indomiti Britanni.

Jam *Roma* pallet, jam ſtupet arduæ
Inceptа noſtrum, *Cæſaris* & pudet,
Nunc irritos dolens labores
Agricolam tacet & *Severum*.

Quocunque vertis terribilem ma-
(num
(O Diis amata & gens celeberrima)
Spiſſæque dehiſcunt Phalanges
Et trepidæ recidunt catervæ.

Dii Terminales ſedibus exulant
Ariſque cedunt quas ſibi ſæcula
Ignota rite conſecrarunt
Atque tuum fugiunt *Triumphum*.

Fatis negatam pergere, gloria
Honorq;

Honorq; noſtri Temporis, invidam
Tranſgreſſus ea tandem *Colum-*
(nam
Aſſeruit metuendus, *Ultra*.

Neptunus alto ſtridet in æquore,
Tethyſque late brachia porrigit
Nymphas ut omnes conſalutet,
Limite nec remoratur ullo.

Se prima victam plorat *Hibernia*,
Et mox Hiberno *Cantaber* additus
Poſt rupta pacis belliq; jura
Fadifragus luit inde *Scotus*

Lætatur *Anglus* jam numero pari
Cui regna ſubſunt quatuor, annuant
His Fata, *quatuor* ut per orbis
Promoveat ſua ſceptra *Partes*.

Sic Vaticinatur.

J. H. Stu. Eccl. Chr. Oxon.

Errata.

PAge 3. line 21. read *abuſed.* p. 20. l. 1
dele *and.* p. 35. *l.* 19. for *præfecto*, r. *pr*
jecto ibid. l. 22. for they, r. *that.* p 48. l. 2
for fellows, r. *followers.* p. 51. l. 3. r. *reprob*
vit. p. 53. l. 14. r. *and u.* p. 80 l. 1. r. *there*
p. 110 l. 19. r. *and ſo.* P. 114. l. 2. for affinity,
ſerenity of air. ibid. l. 18. r. *Iſlands.* p. 11
l. 21. dele *in the Parliament.*

THE HISTORY OF The four famous Kingdoms, ENGLAND, WALES, SCOTLAND, and IRELAND.

VNion is the ornament and muniment of the Universe, which is so orderly and closely conjoyned, as no vacuity or breach is therein admittable, which maks it so perpetual; for which orderly union it is by the Septuagint called κόσμος and by the Latins *Mundus* that is beautiful. For order and union adorn all things, for which reason that glorious and orderly Artifice is by the holy Ghost

ſtiled an Hoſt, or Army, and as the vulgar tranſlation truely terms it,

Genes. Ch. 2. v. 1. *Exercitus: Itaque perfecti ſunt cœli, & terræ, & exercitus eorum*; for no battles or phalanx can be more firmly rank'd and united, or better governed (as *Delrius* on that place paraphraſeth) then the creatures in Heaven and Earth are diſpoſed, knit together and ruled: and nothing is ſo comely or conſtant, nothing ſo ready and obedient to their Creator, and King, at whoſe word and wink they take Armes againſt the impious, and (in a heavenly poſture) unite themſelves to fight his battles; when, as the Wiſe-

Wiſdom. 5. 17. man ſaith, he is pleaſed to make his creatures his weapons for the revenge of his enemies.

And as the divine power is the general Architector of union in the frame of the univerſe, ſo is he the particular Author of order, and union among men; to whom (above all Sublunary creatures) he communicated his ſimilitude, and natural inclination to order, ſocie-

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ty, and unity: For after the Lord God had framed man of the dust of the ground, (or of red earth, as *Josephus* expoundeth it, whence he was called *Adam* which signifies red,) and inſtilled and breathed into him his own image; and then alſo made him the Monarch and Lord of all the world, ſubjecting all things to his power, order, and dominion, as the *Pſalmiſt* ſaith, *omnia ſubjecit pedibus ejus*, and afterwards conjoyned unto him as an Adjutor, like unto himſelf, the woman as his Aſſociate: From which equality did proceed a common power to the man and wife over their family, which is called *Domeſtica poteſtas*, or *œconomia*, according to the Offices of each *Sex*: But becauſe the woman abuſe her common power and wrought miſchief to the man, ſhe was (for the future) made ſubject to the man, and the man had *Maritalis poteſtas* over the woman. And it is not to be doubted but that if *Adam* had perſiſted in his integrity, and being

Joſeph Antiq. lib. 1. c. 2.

Pſalm. 8.

Tholoſanus Syntag. lib. 11. cap. 2.

confirmed, had multiplyed his generations, but that God who is *Pater ordinis*, would that in order one to the other, there ſhould have been an inferiour, and a ſuperiour.

Paræus in Gen. 1. 28. And that *Adam* who was *Pater omnium Viventium* ſhould have a paternal power over all mankind, by the law of nature, as over a great family, and that there ſhould have been a civil dominion, and ſubjection, but altogether voluntary and comfortable; and a *Politeia* and government, and a decent order and union among men without any ſervile conſtraint, or coercion according to the law of nature in which thoſe that ruled ſhould freely adviſe, and thoſe who were ſubject ſhould freely obey, and not that one man ſhould lord it, or domineer over another. For ſuch lording rule and ſervile ſubjection were introduced after the fall of *Adam*, when ſervitude began to be a juſt puniſhment for ſin, when force and fraud (the venemous ſeeds of ſin) had ſpread themſelves over

over the face of the earth; when latrocinies, and rapines, murthers, and homicides raigned in the hearts and hands of men, and threatned destruction to all mankind, the sword of each devouring other, which caused a separation and disunion among the Sons of Men. Then *necessity* brought in coercive and controling dominion, which by the sword and force might curb and restrain such malefactors from perpetrating such violent and inhumane injuries; and either to punish them with death, or reduce them to a civil life and union. To which purpose God raised *Nimrod* (*for all power is of God*) who excelling others in vigour of body and virtue of mind, by his humanity and relief to such injured and abused persons, procured to himself a potent Army, with which he subdued all the lawless and mischievous routs and multitudes. And therefore is he said to be a mighty hunter before the Lord, not onely because he excelled in might, but

Chrysostome Musculus Cornelius de lapide. Paræus Genes. 10.

Melchior canus Chrysostome Cornelius de lapide Paræus Genes. 10.

but becauſe that he *nutu & ductu Dei* through the divine impulſe, and conduct, did ſubject the rude and barbarous Nations to the ſway of his Scepter, and ſtoutly rul'd them by the power of his ſword; who of the heathen writers is called *Belus*, as by ours *Nimrod*, and affirmed to be the ſame man that did build the Tower, and took upon him a new Empire over rude people as *Petavius* obſerveth: He alſo by *Teſtatus* is ſaid to be the firſt King, becauſe we read in holy Writ of none who reigned before him; and by other Hiſtorians that he was the founder and head of the *Aſſyrian* Empire, and was the firſt that compoſed many barbarous Nations into the civil and moral body of one Commonwealth: For as *Grotius*, *plurium populorum idem poteſt eſſe caput*, there may be one head of many people, which ſingle people notwithſtanding have a perfect commonalty: for it is not in a moral body as in a natural, where there cannot be one head of many bodies

Petavius ration. Temp. lib. 2. fol. 100.

Teſtatus in Geneſ. 10.

Petavius ib.

Grotius de J. B. & P. lib. 1. cap. 3.

bodies, but in a moral body the ſame perſon may be head of many diſtinct bodies: And it were to be wiſhed that the whole world were governed by one head in unity as it ſhould have been by *Adam* if he had perſevered in his perfection. But ſin by his delinquency entring into the world, hath ſown the ſeeds of diſcord among all Nations, that ſince one head could never be eſtabliſhed over them all, nor an unity ſetled by the moſt potent and ſageſt Princes and people, though ſome have had the ambition to effect it; and one vainely wiſhed that there were more worlds to conquer and yet could not ſettle two Kingdoms in union; for ſo perverſe & crooked are all Nations and ſo prone to diſcordancy and martial occurrents, that no proweſs nor prudence can continually contain them in obedience and unity, nor no compact nor league can preſerve them in mutual amity, but that they will upon ſome feigned pretence break out into im-

pious Wars and martial defiances which is an Epidemical and incurable contagion in this world, as it is Emphatically and divinely expressed by the Prince of Poets.

Virg. Georg. l. 1.

Quippe ubi fas versum atque nefas (tot bella per orbem.
Tam multæ scelerum facies, non (ullus aratro,
Dignus bonos, squalent abductis (arva colonis,
Et curvæ rigidum falces conflan- (tur in ensem,
Hinc movet Euphrates, illinc Ger- (mania bellum,
Vicinæ ruptis inter se legibus ur- (bes,
Arma ferunt, sævit toto Mars im- (pius orbe.

Howsoever, though it be an attempt above possibility to reduce all Nations into a conformable unity, yet is it an heroical, and glorious enterprise so far as may be to proceed in bringing it to perfection that thereby the lesse rapins, bloodsheds

ſheds, and ſlaughters may happen between them, and at the leaſt in ſome parts of this Orb there may be a reſemblance of another Paradiſe for peace and union on earth. And for ſuch atchievments many victorious *Heroes* have received immortal praiſe and glory, and are regiſtred in the monuments of fame, as *Nimrod*, *Ninus*, *Joſhua*, *David*, *Cyrus*, *Alexander*, and the martial *Romans*. Seing then it is ſuch a Divine and noble action to unite divided Nations, it is worthy our ſtudy and diligence to examine by what means it may be obtained: and though the Author finds no beaten path to follow, nor publick pattern to imitate, yet it may be collected out of Claſſick Authors, that there are three common principles by which Princes and Commonwealths have been inſtructed to enterpriſe that deſign.

The firſt is by leagues, of which in Commonwealths there is great neceſſity and utility, for *unita virtus fortior, & hoſti terribilior*, and *Scorberius Politic. lib. 4. cap. 34.*

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by the mutual conjunction of their minds, the one may in danger assist the other and defend each other against their enemies; and is properly called peace when by treaties and agreements it is made and established, which was in prime practise among the *Romans*, and very profitable unto them. For as *Dion* saith, they by imparting aid to their friends and confederates obtained the Empire of the whole world; the reason of which *Florus* giveth, *Quia summa fœderum Romanis religio fuit*, for that the *Romans* very religiously and devoutly observed their leagues. A notable example of which we have in *Metius Suffetius* whom *Tullus Hostilius* for breaking of a league commanded to be bound fast between two Chariots, and drawn in pieces by swift and violent horses. A formideble example of which in sacred writ, we also read: as *Simeon* and *Levi*, the sons of *Jacob* were cursed by their father at his death, for that thy had violated their league made with

Flor. li. 2. cap. 16.

Florus l. 1. c. 3.

with *Sichem* and *Hemor* when they destroyed them and all their City contrary to their covenant. In like manner the punishment of God upon *Sauls* posterity was memorable for his breach of league, which *Joshua* made with the *Gibeonites*; when as three hundred yeers after *Joshua*, seaven of *Sauls* children and family were delivered into the hands of the *Gibeonites*, and crucified by them in punishment of *Sauls* offence. And though leagues among all Nations be honourable, and sacrosanct and not to be violated by humane and divine Laws, yet are they commonly but temporary and for a time; and made for utility and not for amity. For as *Livy*, *Communis utilitas est nodus, & vinculum federis*, common utility is the knot and band of league. And as the societies of men were first constituted for utility, so are the unions by leagues for utilities sake, which failing, that band and knot is broken or cut in sunder. And there are too many Machivilians in these latter Genes. 49.

latter and impious times, who allow perfidiousnes and breach of faith in Princes, and that it is necessary sometimes for the benefit of a state; which makes the unions by leagues to be lesse permanent and obnoxius to mutability, according to the aforesaid complaint of the ingenious Poet.

Virg. Georg. 1. *Vicinæ ruptis inter se legibus urbes Arma ferunt.*

Clapmar. de arc. imp. lib. 4. cap. 4. The second union of Kingdomes is compassed by marriages and affinity, & therefore as an acute Statesman *Matrimoniorum magnorum principum maxima cura esse debet.* There ought to be the greatest care of the marriages of great Princes, for that from them Wars begin and again cease, and unions of Kingdomes by such descents sometimes happen: But such unions also are not frequent, nor many times very constant. And though the Kingdome of *Spain* and House of *Austria* have had the felicity to flouriſh

flouriſh for many years by ſuch unions and affinities, yet hath *Portugal* lately fallen from them, and the reſt may be ſuppoſed not to be perpetual. And in the moſt flouriſhing Kingdom of *France* are ſuch titles of deſcent, claiming by the fæminine ſex, barred by the law *Salique* which was made by *Pharamond* King of the *Franconians*, and amended by *Clodoreus*, *Childericus* and *Lotharius*; by reaſon of which law alwaies in the Kingdome of *France*, as the *Franconians* inſtituted, the iſſue male, the female iſſue being excluded, have held the Scepter. Which law and cuſtome having been controverted hath been divers times by ſentence confirmed, and by arms and reaſons approved. Eſpecially againſt *Edward* the third King of *England*, who for that he drew his pedigree by a female (though he was the nearer in blood;) *Philip. le Bell* (the next Heir Male) was by the law *Salique*, preferred before him: which excluding females was adjudged to exclude all

Tholoſanus Syntag. lib. 45. cap. 4.

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the descendents by females, and therefore was *Philip* received and crowned King of *France*, and *Edward* the third, because his Kingdome was not then setled, and he but young, did homage to King *Philip* for the *Dutchy* of *Guyen* and other territories in *France*: though afterwards when he had arrived to the years of maturity and manhood, upon more mature deliberation of the partial interpretation of that law and the instigation of the *Earl* of *Artois* (a great Peer of *France*) affirming that he had more right to that Crown then the other, he by Armes attempted to recover and conjoyn that Kingdome to the Crown of *England*; and by his invincible sword obtained many wondrous victories. But he yielding to Fate before he had accomplished his intention, his successors *Henry* the 5th. and *Henry* the 6th. renewed the said honourable War, and by their victorious Armes so prevailed, that *Henry* the 6th. was Crowned in *Paris* King of *France*, and

and had finish'd that glorious work, whereby the Kingdome of *France* had been annexed and united to the Kingdome of *England*, but that the civil Wars between the houses of *York* and *Lancaster* in *England* impeded the same, as *Philippus Cominæus* (Secretary to *Lewis* the 11th. King of *France*) ingeniously acknowledgeth; by which disaster the hopeful union of the Kingdome of *France* with the Kingdome of *England* by marriage, unhappily was prevented and utterly frustrated.

And as for the inconstancy and deficiency of such unions, I will onely instance in one which was thought most happy and durable in this Nation; and that was the union of the two famous Kingdomes of *England*, and *Scotland*, transacted by *James* the 6. King of *Scotland*, who was by marriage lineally descended of the Lady *Margaret* Eldest Daughter to *Henry* the 7th. King of *England*, and Eldest Sister of King *Henry* the 8th. Father

of

of *Elizabeth* Queen of *England*, by whose decease she being the last of issue of *Henry* the 8th. the Kingdome of *England* did lineally and rightfully descend tothe said *James* King of *Scotland*, by which naturall conjunction those two discordant Kingdomes of *England*, and *Scotland* were fortunately and peaceably united under one imperial Crown.

An union magnified, and applauded of both Nations, and yet not lasting above one descent; The *Scotch* revolting first, and then the *English*, to the confusion of both Kingdomes, and changing them both into one Commonwealth; which verifies the *Italian* proverb: *Kings may wed, but Kingdoms never.*

The third union of Kingdomes is by conquest, which is most general and more durable. For as Sir *Francis Bacon*, the most part of unions and plantations of Kingdomes and Commonwealths have been founded by conquest which is manifested as well by forraig

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Annals as by native occurrences, as by the sequel will appear. But not to entrench upon your patience by the tedious relations of the unions of Nations which were made by the conquests of the *Assyrians*, *Medes* and *Persians*, and *Gracians*; I will insist only on those that were gained by the glorious sword of the *Romans*, which for extent and durance surpassed all the rest.

The Roman Commonwealth, and Empire for the extents and dignity of it, is by the *Civilians* called *Caput & sedes imperii orbis*, and by *Athæneus* ἐπιτομὴ τῆς οἰκουμένης the head, seat, and Epitome of the Empire of the whole world, according to the verse.

Orbem jam totum victor Romanus habebat.

And therefore did the Emperors sometimes stile themselves *Domini mundi*, the Lords of the world, which speeches though *Grotius* saith are *per excessum & excellentiam dicta*, *Grotius de J. B. & P. lib. 2. cap. 22.*

dicta, ſpoken by the exceſs and excellency, and *Bodin* that in *Trajans* time, when it moſt flouriſhed *Vix trigeſſimam orbis terrarum partem complecti potuiſſet*, it ſcarce could contain the thirtieth part of the whole earth, yet it is doubtfull to none but that it did contain the beſt and moſt flouriſhing parts of *Europe*, *Africa*, and *Aſia*. in *Cæſars* time, *Cujus ſolum nomen Parthorum & Indorum Reges ſomnum capere non ſinebat*: whoſe fame only would not permit the Kings of the *Parthians* and *Indians* to ſleep which were the remoteſt parts of *Aſia*; at which time the *Roman Empire* was in its youthful ſtrength and robuſt maturity as *Florus* ſaith. *Hic jam ipſa juventa imperii, & quaſi quædam robuſta maturitas.* But to demonſtrate how by degrees it rowled up to ſuch a vaſt greatneſs; and firſt becauſe commonly irreconcileable conteſts, and contentions happen between vicine and bordering Nations as the Poet.

Bodin de Repub. lib. 1. cap. 9.

Patritius de Princip. lib. 1.

Inter

Inter finitimos vetus atque antiqua (simultas,
Immortale odium, & nunquam (sanabile vulnus. Juven. Satyr. 15.

The *Romans* did first augment their state, by the conquest and unions of their neighbouring Countries as *Ninus* did, *Qui primus bellum intulit finitimis*, who first made War with the borderers, and so as *Cæsar* saith, did the *Germans* who deemed it *proprium virtutis*, an especial virtue to expel their neighbors from their fields, and not suffer them to dare to consist near them. For so saith he did they think themselves more safe *repentinæ incursionis timore sublato*, the fear of sudden incursions being taken away, for which reason *Daneus* propounds this for an Aphorisme. *Vicini populi nimium crescentis potentia mature est quacunque occasione deprimenda.* The power of a too-much-increasing neighbour is speedily upon any occasion to be suppressed. Justin l. 1. Cæsar. l. 6. de Bello Gallico. Daneus Aphorism. fo. 108.

Which therefore was the constant

course the *Romans* steered, in their first march to subdue their potent neighbours, and by which work they made way for the Conquest of the other parts of the world. For after they within the space of five hundred years, with much difficulty had brought into subjection the *Sabins*, the *Albanes*, the *Latines*, and all other the adjoyning people of *Italy*, and so became *Caput Italiæ*: & within the two hundred years following, with their victorious arms did they overcome *Africa*, *Europe*, *Asia*, and all the world, and were therefore worthily intituled *Caput totius orbis terrarum*.

Florus l.2. c.1.

And as the *Romans* by valour did subdue their enemies bodies, so by their wisdome did they subjugate their minds, which was the greatest victory; and by degrees reduced them into a sociable union with them, and of enemies made them their friends and Citizens. As *Claudius* in *Tacitus* saith of *Romulus*, *Conditor noster Romulus tanta sapientia*

Tacit. Ann. l.11.

entiâ valuit, ut pleroſque populos eodem die hoſtes, dein cives habuerit. Our founder *Romulus* was of ſo great wiſdome that the ſame day he handled the ſame people as enemies, and then intreated them as Citizens. And ſo *Livy* and *Florus* relate of *Tullus Hoſtilius* that after he had ſubjected the *Albans* which a long time before were a dangerous and principal Enemy, he ruined and diſmantled *Alba*, and tranferred and carried away all the goods, and the people themſelves to *Rome*, by which the number of the Citizens was doubled, *ita ut prorſus in ſuum corpus rediiſſe rurſus videretur*: ſo that it altogether ſeemed again to have returned into its own body. Many other examples are extant in the Hiſtories of the *Sabins*, *Latins*, and others of *Italy*, which as *Cicero* in the defence of *Balbus* ſaith, was the foundation of the *Roman* Empire, *Illud certe ſine dubitatione noſtrum fundavit imperium, & populi Romani*

Liv. li. 1. *Flor. li.* 1. *cap.* 3.

nomen auxit quod princeps, & creator urbis noſtræ Romulus fœdere Sabino docuit, etiam hoſtibus recipiendis avgeri hanc civitatem oportere, cujus authoritate & exemplo nunquam eſt intermiſſa à majoribus noſtris largitio, & communicatio civitatis. That without all doubt did chiefly lay the foundation of the Empire, and augment the honour of the *Roman* Empire, that the Prince, and Creator, of our City, *Romulus*, did by the *Sabine* league inſtruct, that alſo this City ought to be increaſed by receiving enemies by whoſe authority and example the largition and communication of the City was never intermitted or diſcontinued by our anceſtors. For after *Cicero*'s time, the Emperours of *Rome* did not onely grant their liberties and priviledges to particular perſons, families and houſes, but to whole Cities, and Countries, which is manifeſted by the plea of St. *Paul* in the 21. and 22. of the *Acts* of the *Apoſtles*. That he was a *Roman* by natu-

Vide Coke, lib. 7. Calv. caſe fo. 24. a.

naturalization, though he was a *Jew* by Nation, and becauſe he was born at *Tarſus* in *Cilicia* under the obedience of the *Roman* Emperours he was by birth a Citizen of *Rome* in *Europe*, and that therefore it was allowed unlawful for the *Tribune* to ſcourge him being a *Roman* and uncondemned, and for the ſame reaſon, not long after, his appeal to *Caſar* was admitted by *Feſtus*; which is alſo cleared by the conſtitution of *Antonine*, by which as many as were in *Orbe Romano* within the Roman Globe, and ſubjects of that Empire were made Roman Citizens, and as *Grotius* ſaith, obtained the ſame rights which the Colonies and Municipies and provinces had. So as they were capable of honours and did make uſe of the rights and priviledges of the Romans. Nay before his age, *Ceſar* the founder of the Roman Empire not onely admitted ſuch alien enemies into the City but alſo honoured them with the Senators Robe, as it is ſaid, *Ceſar*

Acts 25.

Grotius de I.B. & P. lib. 2. *c.* 9.

Gallos in Triumphum duxit, idem in Curiam.

And when under the Empire of *Claudius* the queſtion was agitated concerning the ſupplement of the Senate, and that the chief of the *Gaules* called *Comata*, having gained the entercourſe and freedom of the Roman City, did much deſire alſo the priviledge of obtaining the honours of that City; *Multus* (ſaith *Tacitus*,) *ſuper ea re varius rumor, & ſtudiis diverſis apud principem certabatur*, There was a great and various report touching that matter, which with diverſity of ſtudies and opinions was diſputed and controverted before the Prince; yet upon the accurate oration and diſcuſſion of *Claudius*, the chief of the *Heduei* by the decree of the *Senate*, did obtain the priviledges of Senators in the City: from which conformity, all Nations under the obedience and rule of this Roman Emperour were accounted but as one Countrey.

Tac. Ann. l. 11. fo. 228.

But though it was an Act above compare

compare & without example, for the *Romans* to conquer ſo many mighty Princes, yet to keep them all in ſubjection, exceedeth admiration; for as judicious *Florus*, *Difficilius eſt provincias retinere quam parare*, and ſententious *Seneca*, *parare & quærere arduum, tenere difficilius*, to whom the ſecond *Virgil* ſeems to allude. *Florus lib. 4.*

O faciles dare ſumma deos, eademque tueri,
Difficiles. *Lucan. l. 1*

It is an high and hard attempt to ſeek and gain provinces, but a more difficult and laborious task to defend and retain them; for otherwiſe no utility will proceed of our ſeekings, and would do nothing elſe but *Cribro haurire* labour in vain. And therefore it is worthy our induſtry to ſearch and inquire by what victories and policies the Romans for ſo many hundred years did keep and retain ſo many ſtubborn and ſtout Nations in an imperious

perious awe, and an uniformity of obedience.

The prime policy which the Romans used to tame a conquered Nation, and to draw it into a conjuncture and union with them was clemency, which is the proper virtue of an *Heroick* Victor, who Lyon like is clement, and merciful to the devicted. *Satis est prostraße leoni.* For though the conquerour hath *vitæ & necis potestatem*, and by the law of War, those who have overcome have power to rule those whom they have overcome, as they please; yet notwithstanding as *Timoleon* in *Æmilius Probus*, *Fol. 20.* *Eam præclaram ducendam victoriam in qua plus est clementiæ quam crudelitatis.* That is to be reputed the most renowned victory, in which there is more clemency then cruelty; and *Salust*, in his oration to *Cæsar*, *Qui benignitate, & clementia regnum temperavere, his jucunda, & læta omnia fuerunt, etiam hostes æquiores quam illius cives*: whosoever have tempered their Empire with benignity

nignity and clemency, to these all things were pleasant and prosperous and their enemies more civil then Citizens. Which was the constant course of the Romans in all their conquests to intreat their enemies honourably; and as *Alexander* did *non quasi victos, sed victoriæ socios habere*, not as slaves and servants, but as companions and citizens, as hath been before amply and fully declared and therefore surcease to prosecute this point. *Justin. lib. 11.*

But though clemency hath a great sway, among many, and conduceth much to the union of States, yet as Sir *Edward Coke* saith, *Et si meliores sunt quos ducit amor, tamen plures sunt quos cogit timor*: Though they be the better whom Love doth draw, yet they are the more whom Fear doth force. And therefore did the *Romans* use more powerful and coercive policies then clemency, that those that would not be allured by courteous, and civil intreatments should be compelled by severe, and rigorous courses, as by *Coke Com. upon Littl. 392. B.*

Arms

Arms & Laws without which the union of Commonwealths or Empires cannot consist; for as the aforesaid *Florus*, *Florus, viribus parantur, jure retinentur*, which therefore I have placed together, because they mutually protect each other, as *Justinian*. *Illorum alterum alterius auxilio semper eget, & tam res militares legibus, quam ipsæ leges armorum præsidio servatæ sunt*, The one hath always wanted the aid of the other, and as well military matters are preserved by Laws, as the Laws themselves by the force of Arms without which they are but as a dead letter, or as a bell without a clapper, without life or sound.

Florus lib. 4.

Just. instit principio.

By whose mutuall assistance and power, the Roman Commonwealth and Empire was established, and maintained in peace and union. And for that reason are they by the exquisite Poet *Claudian* conioyned in his Commendations of *Rome*.

Claudian Stilicon.

Armorum legumque potens quæ
(fundit in omnes
Impe-

Imperium, primique dedit cuna-
(bula juris.

But now to treat of them distinctly, and first of armes which seem to have the prerogative, as well in the retaining, as in the gaining of an Empire: for as *Saluſt*, the great Judge of matters of State and manners of Men, as Mr. *Fulbeck* ſileth him. *Imperium facile hiſ-* *Fulb. l. 1.* *ſo. 64.*
artibus retinetur, quibus partum eſt, an Empire is eaſily retained by thoſe Arts it was firſt gained,

And as *Panſa* and *Hirtius* adviſed *Cæſar* in *Paterculus*, *ut Principatum armis quæſitum armis teneret*, that he ſhould keep that principality by Arms that he had gotten by Arms, which afterwards he loſt by the diſmiſſion of the Prætorian ſouldiers, and laying his life open to his enemies, periſhed through his clemency and ſecurity; which therefore is called by that elegant Author *Laudandum experientiæ Conſilium*, *A councel commended by experience*. And therefore the Romans

mans generally mingled clemency with safety, and prudently by Colonies secured themselves from contingent commotions: For usually upon their conquests, did they immediately appropriate the seventh part of the territories of the conquered, upon old beaten souldiers in way of remuneration for their faithful service, which was called *Coloniarum deductio*, and the place itself *Romana Colonia*; and as *Seneca* *Hic populus* speaking of the Roman *Lypſ. Pol. li. 4. fo. 7.* *Colonias in omnes provincias miſit ubicunque vicit, Romanus habitat.* Which as *Lipſius* saith, was *ſolidum & firmum reſpublicas provehendi munimentum*, the solid and firm fortification of promoting Commonwealths. For the Roman Colonies were fortified with trenches, Ramparts and Bulwarks to defend themselves against the assaults of the Inhabitants, & as *Daneus*, colonies were not deduced into the fields of the vanquished without great grief, and *Daneus Aphoriſ. fol. 138.* fear of the inhabitants. *Ita*

vallis & muris & præsidio firmandæ, nam insidiis & armis primo quoque tempore ab indigenis petuntur. And therefore are they to be fortified with trenches, walls, and bulwarks, for especially upon the first settlement are they by force or fraud assaulted by the natives, who naturally abhorring servitude, use all their stratagems to undermine, and overthrow them. And as *Florus* discretly, *non assuetæ frœnis servitutis tumidæ gentium inflatæque cervices, facile alias ab imposito nuper jugo resilirent.* The swelling and arrogant necks of nations not accustomed to the reins of servitude would easily otherwise skip back from their new imposed yoke. As the Germans did, who as *Florus* saith, were *vicii magis quam domiti*, were vanquished rather then tamed, and in the end *Tacitus* saith, did shake off the Roman yoke by the valor of *Arminius* who defeated and slew *Varus* and his legions, and as *Grotius* saith, were out of the compasse of the Roman Empire

Florus, li. 4. c. 12.

Florus. ib.

Vita agricol. 36. & *Grotius, de J. B. & P. lib. 2. cap* 9.

whom

whom the *Britans* did also seem to emulate, who disdaining the Roman servitude, *Domiti ut pareant, non ut serviant*, as *Tacitus* saith, did stoutly attempt, under the conduct of that valiant Queen *Vaodica*, to regain their naturall freedom: and though in that kingdom they had planted their Colonies fortified with walls and castles, which they could never attain to in Germany; yet they universally concurring in one resolution, joyntly took Arms, and on a suddain did set upon the Roman souldiers dispersed in their castles, and having beaten them from their forts, invaded the *Colonie* it self as the seat of servitude, and having obtained the victory, omitted no kind of rigor and cruelty; in somuch as *Tacitus* saith, if *Paulinus* had not incontinently repaired to their relieſe, *amissa Britannia foret*, Britanny would have been lost, and could hardly be suppressed and reclaymed, untill *Petronius Turpilianus* was sent by the Senate, a man of a milder

milder temper, who by his lenity and clemency composed all differences, and were, from time to time more humanly and freely intreated by the succeeding Legates, who by their humanity so prevailed with them, as many thousands of the stoutest listed themselves in their Legions, and were faithful auxiliaries to them. Insomuch as when the Romans were called from *Britanny* into *France*, to suppresse the *Huns* who molested that Countrey, they were drawn to accompany them in that expedition, and to assist them in their Battails, and for their valour were gloriously planted in that part of *France*, which from their name is called *Brittain*. Thus did the Romans, through the sweetness of their clemency, and rigour of their *Colonies* transplanted and dispersed among their subdued Nations, keep them in quiet and subjection, and reduced them into a sociable union, which *Colonies*, as *Scorbonerius* a noble observer of the affairs of State, were as it were

Scorbonerius polit. lib. 10. c.

a ſmall effigies and portraiture of the Amplitude and Majeſty of the people of *Rome*. For there were one hundred threeſcore and three Colonies deduced and diſperſed among the Roman Provinces, which did ſway and rule them by their power, and juriſdiction; and as Learned and Laborious Mr. *Selden* ſaith, it is clear that divers Colonies deduced from *Rome* were in *Britany*. Of which he rendereth the names of four, in which as Sir *John Baker* Hiſtorieth it, were contained no fewer then fourſcore thouſand Souldiers in pay.

In Fortesc. &c. fo. 9.

Fol. 3.

Tuntæ molis erat Romanam conde-
re gentem

Now followeth the impoſition of Laws, for though they *inter arma ſilent*, yet after victory and conqueſt they conduce much to the union of Nations, which the Romans alſo uſed for the compleating of the ſame: and this is a prerogative inſeparably incident to a conquerour, to give

and

and impose Laws on the conquered, as *Alexander* in *Curtius*, *Leges a victoribus dari, accipi a victis.* Of which Sir *Edward Coke* giveth this reason; That seeing he that cometh to a Kingdom by conquest, hath *vitæ & necis potestatem*, he may at his pleasure alter and change the Laws of that Kingdom; for as the *Tragedian* ——— *Quodcunque libuit* / *facere, victori licet.* *Coke li. 7. Calu. case fo. 17. B.* *Seneca Troas.*

Which was the perpetual practise of the Romans to send their *Prætors Proconsuls*, and *Præfects* into those places, which by force and power of Arms they had subdued, and to govern them according to their Laws, but *quo Jure*, saith *Minius*, *Nihil aliud præfectio dicatis, quam armis superatis, vos iis has leges imposuisse.* Surely you can say nothing else, but they being overcome by Arms, ye have imposed those Laws upon them: by which means as by the nerves the *Romans* conjoyned other Nations with them, and made one civil body of them. *Livy, l. 35.*

Livy, li. 1. For as Livy, *multitudo coalescere in unius populi corpus, nulla alia re quam legibus potest*; a multitude by no other means can grow together into the body of one people but by Laws, and as Sir *Edward Coke*, the unity of Laws is the best means for the unity of Countries. In which the *Romans* excelled all other Nations, insomuch as their Laws in their flourishing estate were almost the Laws of all the world. And yet at the Lord *Chauncelor Elsemere* saith, *the Roman civil Law is taken to be the most universal and general Law.* Such a deep impression did they make in all Nations who were under the Roman jurisdiction.

Coke Com. in Littl. fo. 141.

Postnati, fo. 55.

But to come to our Countrey, though some Zelots of our Common Laws have laboured to clear them from any commixture with the *Laws* of other Nations, notwithstanding the several conquests of the same, yet

Vincat amor veri, Vincat amor patriæ.

And the truth is as *Matheus Weſtmerienſis* ſaith, *Romani Britanniam per Julium Cæſarem in latas leges jurare compulſam magna dignatione coluerunt*, and *Camden*, *Britannis nec legibus ſuis patriis uti permiſſum, ſed magiſtratus a populo Romano cum imperio & ſecuribus miſſi qui jus dicerent.* The *Romans* had *Britany* in great eſtimation being compelled by *Julius Cæſar* to ſwear to their Laws, neither were they permitted to uſe their Countrey, and municipal Laws, but Magiſtrates were ſent from the people of *Rome*, with command and authority to make Laws, and command them to be kept, whence came the ſaying of the Ancient Poet quoted by Mr. *Selden*. Britanni a

Ib. fo. 11.

Cernitis ignotos Latia ſub lege Britannos.

Neither is it a diſparagement to our Laws to have participated of the Laws of other Nations, as ſome ſuppoſe, but rather an Elogy for

the Roman Laws themſelves were compoſed of the *Grecian* Laws, and as Sir *Francis Bacon*, though our Laws be mixt as our Language, compounded of *Britan*, *Saxons*, *Danes*, *and Normans*; yet did not this add leſſe to them then thoſe who would have them to ſtand out the ſame in all mutations, for no tree is ſo good at the firſt ſett as at tranſplanting. But to proceed,

I ſuppoſe it not altogether immaterial to add a fourth inſtrument which the Romans uſed to unite their ſubjected Nations, to wit, the Communication of their Language, which as *Ariſtotle* ſaith is

Lib. 1. Politic. cap. 2. κοινωνίας ὄργανον the Organ of ſociety by whoſe Communication neceſſary affairs paſſe between man and man.

Catil. fo. 5 And though, as *Saluſt* ſaith, many of different kind and Languages, convening in one City, *facile coaleſcunt* may eaſily grow into one body and Language; Yet in remote Cities and Nations it fareth otherwiſe: which moved the Romans to Communicate their language to forraign

forraign Nations, by rejecting theirs, thereby forcing them to apply their minds to the knowledge of that without which they could have no comunication, or correspondence with them, which did very greatly conduce to the Majesty, utility, and unity of the Roman Commonwealth with other Nations. And therefore as *Valerius* relateth, among other Ceremonies of keeping state, this did they also with great perseverance observe, that they should not give any answer to the *Græcians* but in Latine, and also compelled them to speak by an interpreter, not onely in the City of Rome, but also in *Greece*, and *Asia*. *Quo scilicet Latinæ vocis honos per omnes gentes venerabilior diffunderetur*, By which means also the glory of the Latine language should be more honourably diffused through all Nations: and *Phavorinus* said that an Emperour might give the freedom of *Rome* to Barbarous Nations, but in Barbarous words and language he could not, because those things

Valer. lib. 2. cap. 2.

which receive their force and property from that natural usage of Citizens, cannot be changed by the authority of the Senate. And in such an especial esteem had the Romans their proper and mother Tongue, that in their publique Assemblies, they abstained from the use of Forreign Languages, though they were not ignorant of them: as *Suetonius* writes of *Tiberius* that though he could speak the Greek tongue readily, and fluently, yet he abstained from the use of it, in the *Senate*, in so much, as being about to name the word *Monopolium*, he first craved pardon, *quod sibi peregrino vocabulo utendum esset*, that he was to use an Outlandish word. By which means the subjugated minds of all Nations began to succumbe and fashion themselves according to the patern, and example of the Romans who were then *Terrarum Domini*, Lords of the world; as the Panegyrical Poet,

Suetonius vita Tiber. fo. 216.

Claud. 4. Hon.

——————Componitur orbis
Regis ad exemplum.

and

and did not onely submit themselves to the observance of their laws but also to the practice of their language. For though the *Britains* were, as *Tacitus* acknowledgeth them —*validissima gens*, a most valiant Nation, and more fierce then the French, and molested the Romans with more dangerous Revolts, being of all Nations the last that was conquered, and the first were freed; and also at the beginning did *Linguam Romanam abnuere*, reject the Roman language, yet did they at the length, *concupiscere linguam Romanam, indeque habitus nostri honor, & frequens toga*, as *Tacitus* speaks, affect the Roman language, Rhetorique, the Roman habit and the like. And so deep a tincture and impression did the Roman Language stamp & make in these occidental parts, that to this day, for the most part, they retain an Etymological sense of it, and in our parts of Britany, after the departure of the Romans, we deemed it a glory to draw and express all our writs, declarations, *Vita Agric.*

and

and other proceedings in suits of Law in the Latine language, until in these latter times they were abrogated by Acts of Parliament, as a badge of our antient servitude: which *Tacitus* himself intimateth in these words *Itaque humanitas apud imperitos vocabatur cum pars servitutis erat*, and that was called a favour and curtesie by the ignorant, which indeed was a part of servitude.

Ibid.

A fifth may be added though lesse pertinent, that is the transmutation of names, when the victor doth change the name of the conquered Countrey, and calls it by the name of his own Countrey.

Of which, among the Roman Writers, I find some change to be made, but not by the people of *Rome*, or the Emperors. For though some of the later Writers, have called all the Nations contained within the Precincts of the Roman Empire, as *Grotius* alledgeth, *Romania*: and *Gildas* saith of *Britanny*, *non Britannia, sed Romania censebatur*;

Grotius l. 2. fo. 21. Selden. ib.

batur; yet no such transmutation of names was ever decreed or indicted by the Senate of *Rome* or Edict of the Emperor. For as acute *Clapmar* saith, The Romans did little esteem *talia inania simulachra* such vain shadows and shews, and were not sollicitous of proud names, so that they might have the matter it self. Of which there is an example in the Poet, when *Juno* had left nothing untried whereby she might impede the Trojans from invading *Italy*, which finding her self unable to effect it, at the last desired *Jupiter*, that forasmuch as the Trojans should possess and enjoy *Italy*, yet they should not change the name, but the Latins should retain their ancient name.

Clapmar de arcan. imperii.

Virg. Æneid. 12. fo. 394.

Ne velis indigenas nomen mutare Latinos,
Neu Troas fieri jubeas, Teucrosque vocari:

Which *Jupiter* smiling to himself, easily condiscended to, as a matter of

of no moment; for so the Poet proceedeth,

Olli subridens hominum rerumque (repertor,
Do quod vis, & me vultusq; volensq (remitto.

To wind up all in a word; By the premises it is perspicuous, that not only the Britans, but all other Nations, which by conquest were forced to serve under the Roman yoke, were by clemency, and arms, imposition of laws, and transmutation of Language reduced into one moral and civil body, and were, as it were, one countrey, and one Commonwealth, insomuch as by *Modestinus* it is called *communis patria*, and by *Claudian*, *Gens una*,

Hujus pacificis debemus moribus (omnes
Quod cuncti gens una sumus.

But now to compare *Rome* with *Britain*, if it be comely to compare great

great things with leſſe, which as the Prince of the Roman Poets.

Tantum inter alias caput extulit (*urbes* Virg. Egl. 1
Quantum lenta ſolent inter viburna (*cupreſſi*.

So as, though for largeneſs and extent (it being, as hath been ſaid, *Caput totius orbis*,) it is incomparable, yet in regard of the quality, and condition of the aboveſaid union, it may admit ſome compariſon; for the conquerours in our *Orbe Britanno*, did follow the tract and ſteps of the Roman conquerours, whereby at the length, upon their conqueſts, they happily arrived at the like ſettlement of the union, between the four diſcordant Kingdomes of *England*, *Wales*, *Scotland*, and *Ireland*.

To begin with *William* the Conquerour, who though he made an abſolute and entire conqueſt of *England*, and might have had all the Lands which he would have actually ſeized, yet like a Roman clement

clement conquerour he took
Baker's History of England. mans estate from him, neither d
poſſeſſed them of any of their good
but from thoſe whoſe demeri
made them unworthy to hold the
and would not adhere unto him
and the vacancy of Offices, and fi
ling up the places of thoſe who we
ſlain, or fled, was the preſent mea
he made for preferring his follow
ers, and as *William* of *Malmsbu*
ſayth, in ſubjects *leniter*, in rebe
turbide agens feliciter omnia Angl
potiebatur, by intreating his ſub
jects gently, and the rebels rigo
rouſly, he happily enjoyed all *En*
land. For as in the body of a li
ing creature, nature doth conve
Sir Fran. Bacon. food and nutriment into good blood
and by degrees aſſimilates it to th
body; So in union of countrie
by conqueſt, the conquerour ough
to expel any part of the ſtate con
quered, which he findeth ſo con
trary, as he cannot convert, an
aſſimilate it to the civil body of the
ſtate: which was the current cour
of *William* the conquerour. And

though

hough ſome Hiſtorians, and Chro-
nclers of thoſe times ſeem to vary
rom this aſſertion as *Mathew* of
Weſtmuſter, that after *William* the
onquerour had ſubdued the En-
liſh, *terras Anglorum & poſſeſſiones,*
ipſis expulſis ſucceſſivis manu diſtribuit
ſuis commilitonibus, they being by
degrees expelled, he with his hand
did diſtribute all the Lands and
poſſeſſions of the Engliſh to his com-
militions or fellow ſouldiers, which
Radin, and *Ramanus Choppinus* alſo
though they had it at the ſecond
hand, relate it for truth; yet the
contrary is manifeſted by his Act
to one *Warren* a *Norman* of princi-
ple quality, to whom he had gran-
ted the Caſtle of *Sherborn* in *Nor-*
folk; But the heir of *Sherborn*, the
antient Inheritour of that Caſtle,
owing to *William* the conquerour
hat he was his ſubject and leigeman
nd did inherit the Caſtle by the
ame Law, that the conquerour had
llowed, and eſtabliſhed in *England*,
id therefore pray that he might
old the ſaid Caſtle in peace; the
conque-

Days Report. fo: 41.

conquerour in this case did give judgment for *Sherborn* against *Warren*; of which judgment *Cambden* maketh mention, in the discription of *Norfolk*. & Justice *Calthropp* said that he had seen an antient copy of the judgment in the library of Sir *Christopher Heydon* at *Barconsthorp* in *Norfolk*; and as Sir *John Davys* reporteth, the contrary appeareth by the book of *Doomesday*, which in this point, is of more credit than all the discourses and chronicles in the world, wherein is contained an exact discription of all the Realm made *in the time of the said King*, as *Henry of Huntington* setteth forth, *per Angliam ita totus regnabat, quasi ibi non una hida inerat de qua ut sciret cujus esset*, He so totally ruled over all England that there was not one hide of Land in it, of which he knew not whose it was. By which record it is declared, that he did not take all the lands of the English into his hands, and confer them on his fellows, for in it is expressed what Lands the conquerour held in demesne, to wit, the Lands which were

Davys ib.

were of St. *Edward*, and are entituled *Terræ Edwardi Regis*, and others which himself had seised upon the conquest, and were entituled *Terræ Regis*, without saying any more, as is noted 49. *Ed.* 3. 23. a And those Lands are now called the antient demesne Lands of the King, or of the Crown of England, and in this book, the possessions of other Lands are put in certain, as well as the possessions of the King, and those Lands which are under other titles, as *Terræ Episcopi de Exeter*, &c. And all other Lands which were in others hands and named in that book, are frank free, 40. *Ed.* 3. 45. *Fitz. N. B.* 16. O. And also Roman like what he had purchased with his sword, he possessed by his sword: For as Sir *Edward Coke*, *Cok. pref. lib. 9.* *toto ejus Regiminis tempore, aut districtus unquam interquievit gladius, aut perpetuo manus institit capulo iterato evaginatura.* In all the time of his raign his drawn sword never rested, or otherwise his hand was always on his hilt ready to draw it

again, and at the first, had no other way to make his victory permanent but by his valour.

But after the *Norman* conqueror had brought under his yoke and subjection, the utmost parts of this *Island*, and by his continual victories tamed the minds of his formidable enemies; he like a Roman victor, with all diligence laboured by imposition of Laws to reduce the English and the *Normans* into a peaceable and sociable union, and accordingly propounded to himself an exact survey of all the antient Laws, as the old Laws of the Saxons, which where compounded of the British customs and their own, which mention the *Danish* Law, *Danelage*, the *Mercian* Law, *Mercenlage*, and the *West Saxon*, *Westsaxonlage*: All these being considered by *William* the conqueror, comparing them with the Laws of *Norway*, which he most affected, as Mr. *Selden* supposeth, because by them a Bastard of a Concubine, as himself was, had equal inheritance with

Ibid.

with the moſt legitimate ſon, as *Gervaſe* of *Tilbury* in this dialogue *de Scaccario* ſaith, *Quaſdam reprobarit, quaſdam autem approbans, illis, tranſmarinas Neuſtriæ leges quæ ad regni pacem tuendam efficaciſſimæ videbantur, addidit*, ſome he rejected and ſome he approving, to them he added the forraign *Norway* Laws, which ſeemed moſt efficacious for the preſerving of the peace of the kingdom. And ſuch laws as he in writing allowed, though by *Roger Hovendon* and *Ingulphus* they were called *Leges Edwardi regis*, yet by *Mathew Paris*, are they properly called, *Bonæ, & approbatæ antiquæ regni leges*, the good and approved antient Laws of the Kingdom by denomination from the greater part. And ſometimes the Laws and cuſtoms of King *William*. For clearly diverſe *Norman* cuſtoms were in practiſe firſt mixt with them, and to theſe times continue, as Mr. *Selden* aſſerteth, as that of *Coverfeu* which was conſtituted to prevent conſpiracies, combinations, and robberies, which were then

very frequent, and commonly contrived and practiſed in the night. And therefore it was ordained that in all townes and villages a bell ſhould be rung at eight of the Clock in the evening, and that in every houſe they ſhould then put out their fire, and lights (which bell was therfore called *Coverfeu*) and then to go to bed, which, among many other was one of the laws much conducing to the preſervation of peace. By which ſo great a peace was ſetled in the Kingdom, as by *Henry* of *Huntington* he is ſtiled the Author of peace; whoſe words are theſe, *Pacis author tantus, quod puella auro onuſta regnum Angliæ tranſire poſſit impunè.* He was ſo great an Author of peace, that a Virgin laden with gold, might without danger paſſe through the Kingdome of *England.*

Bacon. uſes of the law *fol.*31.

And ſeeing his people to be part Normans, and part Saxons, the Normans he brought with him, the Saxons he found here; he bent himſelf to conjoin them by marriages in amity;

amity; and for that purpoſe ordains, that if thoſe of his Nobles, Knights, and Gentlemen, ſhould die leaving their Heir within age, a Male within one and twenty, and a Female within fourteen years, and unmarried, then the King ſhould have the beſtowing of ſuch in ſuch a Family, and to ſuch perſons as he ſhould think meet, which was commonly to his Normans, which intereſt of marriage went ſtill imployed, and doth continue at this day in every tenure, is called Knights ſervice.

Then he alſo commanded all his laws to be written in French, and all cauſes, and matters of law to be proſecuted, pleaded and diſpatched in the French language (as the Romans did in Latin) that the Engliſh thereby, might be invited to addict their minds to the knowledge of that Language. That whereas they were made by Laws, as it were one people, ſo by this conſtitution they might be brought to be of one Language. In this manner (through the

proweſs and prudence of the Norman Conquerour) were the Engliſh and the Normans ſo entirely united that they ſeemed one Nation and one people without any difference or diſtinction of reſpect and honour, as *Dido* promiſed the *Trojans*,

Tros, Tyriuſque mihi nullo diſcri-
(mine agetur.

Which may more effectually be applied to him; for he and his Progeny reigned over them ſo united, for the ſpace of five hundred years.

The next bordering Principality to *England* is *Wales*, and therefore firſt in order by the Engliſh to be conquered, according to the Roman Example, as indeed it was. A ſtout and hardy Nation *Bellicoſiſſima gens*, as *Cambden*, and indeed the reliques of the auntient Britans, who becauſe they would not ſubject themſelues to the Tyranny of the *Saxons* (as the other Engliſh did) were forced by their armes to retreat into

into the *Western* Region of that *Island* for refuge, surrounded with the muniments of nature as mountaines and armes of the Sea, which anciently was called *Cambria*, as the people at this present *Cambro-Britanni*. In so much as the *Saxons* were unable by their force to make way unto them, and to overcome them. And though by some of the *Saxon* Kings, a ditch of a wonderfull work was framed, which was called King *Offa* his ditch, by which they divided that Country from England, and called them Walshmen, that is to say unto them strangers, yet did they continually with fire and sword, spoile and depopulate their fieldes and Cities. And when the *Heptarchy* of the *Saxons* was devolved into a Monarchy could they onely by *Athelstane* (that victorious King) be made tributary; nay *William* the *Conqueror* (the terror of his time) *Cujus nomen* (as *William of Westminster*) *exterae & remotae gentes timebant*, whose ruine and downfall the

Welch also conspired, And therfore as the said *William* saith, though he raised a Copious army against the *Welch* with an intention to subject them to his sword, as he had done the English, yet did he meet with such martiall resistance, that he was content to accept of their homage with faithfull hostages to pay him tribute, though after upon their restless commotions he placed divers of his Norman Nobility upon the confines towards *Wales*, and gave a power unto the persons thus placed, to make such conquests on the Welch, as they by their own strength could accomplish, whereby divers of those parts were won by the Sword from the Welchmen, which were planted with English Colonies, and called Barons Marches. Which though his Son *William Rufus* seconded, yet was it a great glory for him only to conquer the Shire of *Pembroke* which was a very ancient Shire of *Wales*; so as this parcel of this Island called *Wales*, was no parcel of the Domi-

nion

nion of the Realm of *England*, but was distinguished from the same, and was, as it were, a Realm of it self, not governed by the laws of *England*, as the Books of the laws of this Realm do testifie: yet nevertheless afterwards was the same Dominion of *Wales* holden in chief, and in Fee of the Crown of *England*, and the Prince thereof being then of their own Nation was compellable upon Summons to appeare in the Parliament of England to do this homage. And escuage was first invented for them, and the Scots, as *Ployden* saith, against whom War was made by the Kings of England as rebels, not as enemies, for that they were subject to England, and were within the Sea. And so those of Wales were subject to the King of England, though they were not parcel of the body of the Realm of England. And hence was it that *Henry* the third upon the often revolts of the Welch endeavoured to assume the territory of *Wales*, as forfeited, to himself, and

Ployd Com. 192.

Vide' Ploid. fol. 129. B.

and conferred the ſame upon *Edward* the Longſhank, his Heir-apparent, who took upon him the name of Prince of *Wales*, yet could not obtain the poſſeſſion, or any profit thereby, for the former Prince of *Wales*, continued his government, for which cauſe between him and the ſaid *Edward* Wars did rage; whereof the ſaid *Edward* complaining to King *Henry* his Father, who made him this anſwer, as *Mathew Paris* reciteth it, *Quid ad me tua terra? ex dono meo eſt. Exerce vires primitivas, famam excita juvenilem, & de cætero timeant inimici*, &c. What is your territory to me? it is of my gift. Advance your primitive forces, ſtir up your juvenile renown, and as for the reſidue, let your enemies fear you, *&c.* which according to his Fathers Heroical incouragement, he fortunately enterpriſed, for as the *Comedian* to that purpoſe.

An. 1257. fol. 914.

Terent. *Ut quiſque filium ſuum vult eſſe, (ita eſt.*

And

And not long after, ſundry Battails were fought between the ſaid *Edward* both before and after he was King of England with *Leolin* the laſt Prince of the Welch blood, and *David* his brother, until both the ſaid Prince, and his ſaid Brother were overcome by the ſaid *Edward*, after he was King of England, who thereby firſt made a conqueſt of *Wales* and afterwards annexed it to the Crown of *England*.

The territory of *Wales* being thus united, the ſaid King *Edward* uſed means to obtain the peoples good will, thereby to ſtrengthen that which he had gotten by effuſion of blood, with the good will and affection of his ſubjects: who promiſed their moſt harty and humble obedience, if it would pleaſe the King to remain among them himſelf in perſon, or elſe to appoint over them a governour that was of their own Nation, and Countrey.

Whereupon the cunning King projecteth a pretty policy, and ſendeth his Queen (being then great with

with child) into *Wales*, where ſhe was delivered of a Son, in the Caſtle of *Carnarvon*. The King thereupon ſent for all the Barons of *Wales*, and remembred them of their ſubmiſs aſſurance tendred according to their former proffers, if they ſhould have a governour of their own countrey, and who could not ſpeak one word of Engliſh, whoſe life and converſation no man was able to ſtain or blemiſh, and required their offered obedience: whereunto they yeilding, the King preſented unto them his ſaid Son born at *Carnarvon* Caſtle, whom thereupon the Barons unanimouſly embraced for their Prince, and afterwards made their homage to him at *Cheſter*. *Anno.* 29. *Edw.* 1. as Prince of *Wales*. And though the Welch Nation do not willingly acknowledge the aforeſaid conqueſt, but refer it rather to this compoſition, yet as Sir *John Davis* ſaith, *Edward* the firſt made a conqueſt of the Dominion of *Wales*, as it is expreſſed in his charter, or ſtatute of

Davys rep. fol. 41. B.

Rutland

Rutland, where it is ſaid *Divina providentia terram Walliæ cum incolis ſuis prius nobis jure feodali ſubjectam, in proprietatis noſtræ dominium convertit, & coronæ Regis noſtri annexit.*

And thereupon according to the courſe and power of conquerours, as the ſame Author ſaith, he changed their Laws and cuſtoms as it is alſo expreſſed in the ſaid charter, or ſtatute. For as to the Laws and cuſtoms he ſaith. *Quaſdam illarum de conſilio procerum regni noſtri delevimus, Quaſdam correximus, etiam quaſdam alias adjiciendas, & faciendas decrevimus*, &c. Some of them by the council of the Peers of our Realm have we expunged, ſome have we corrected, and alſo ſome have we determined to be made and added, and as another ſaith, divided ſome parts thereof into ſhires, and appointed Laws for the government of that people.

Yet though the King had gained the property of that Kingdom, and that the Inhabitants of it, *de*

Alto

Alto & Basso, as it is recited in the said charter, had submitted themselves to his will: yet it appears, that he did admit all those who would be ruled and governed by the common Law of England, which he had established among them, by the said charter, to have Frank Tenement and Inheritance in their Lands; for there he prescribeth a form of the writ *de Assiza de novel disseisin, de mort Dauncester, & de dower* to be brought of Lands in *Wales* according to the course of the common Law of *England*, and when they wanted a writ of form to supply the present case, they used the writ *Quod ei deforceat* 2. E. 4. 12. *A.*

Thus was the Dominion of *Wales* united to the crown of *England* by the valour and wisdome of *Edward* the first, and the principality of it hath constantly since appertained to the Eldest Sons of the Kings of *England*, as *Ployden* saith, from all time that there hath been a Prince of *Wales*: or as Sir *John Doderidge*,

Ployd. Com. fol. 126. B.

to

to the eldeſt Son or the next ſucceeding Heir. For *Henry* the third firſt made *Edward* the firſt his eldeſt Son Prince of *Wales* and gave to him the Dominion and dignity of it, and alſo *Edward* the ſecond after he was King of *England* created *Edward* the third in his life time Prince of *Wales*; and the Lady Mary eldeſt Daughter of King *Henry* the eight, and afterwards Queen of *England* did carry the title of Princeſs of *Wales*. Et *Sic de Similibus*.

Doderidge principality of *Wales* fol. 39.

Yet notwithſtanding this conqueſt by *Edward* the firſt and general ſubmiſſion of the Welch, were there divers inſurrections fomented by them againſt the former eſtabliſhed Government, and eſpecially one which happened in his Raign raiſed by *Rice ap Meredick* who rebelled againſt the King, upon which all the lands of the ſaid *Meredick* were confiſcated, as forfeited, and ſeiſed by the ſaid King, and nominally given by his ſucceſſour *Edward* the third, to *Edward* the black Prince,

Doderidge Prince of *Wales*, fol. 8

Prince of *Wales* for his better maintenance, and honourable ſupport; and though after the death of the Father they aſſiſted *Edward* the ſecond his ſon in his Wars againſt the *Scots*, and got victories for *Edward* the third, and ſtood firm, during all the differences in this realm, to his Grandchild *Richard* the ſecond: yet when the unfortunate, and fatal Wars happened between the two Houſes of *York* and *Lancaſter*, the Welchmen fell from their fidelity to the Crown, hoping upon that diſaſterous mutation to regain their priſtine liberty. For as Sir *John Baker*, It was always a cuſtom with that Nation at every change of the Princes of *England* to try concluſions, hoping at one time or another to have a day of it, and to change their yoke of bondage into Liberty; as upon the aforeſaid opportunity they began to lift up their hands and heads, and under the aſpiring command of *Owen Glendour* waged a terrible War with *Henry* the fourth, who through the combi-

Herbert. Hen. 6.

Hiſt. of England fol. 139.

nation

nation and confederacy of the Earl of *March*, and the Lord *Percy* swallowed in his ambitious mind all *Wales* and the Lands beyond Severn Westwards, which were assigned to him for his part; but the King being a skilful souldier, having ordered and disposed his Army, suddenly marched towards the Lords, having an especial care that they should by no means join with the Welch; and so encountering the Lords singly, obteined an universal victory; and the Welch thereupon abandoned *Owen Glendoer*, who lurking in the Woods was there famished. And after the Fate of *Henry* the fourth, *Henry* the fifth his son knowing the fashion of the Welch, that in time of change they would commonly take advantage to make Inroads upon the borders, caused forts and bulwarks in fit places to be erected, and placed Garrisons in them for the preventing, or repelling any such incursions; yet so prompt and capetious were they continually upon the least opportunity to such insur-

Bakers Hist. f. 241

rections, *Ut nullo modo induci potuerunt* (as *Cambden* saith) *ut servitutis jugum subirent, nec ulla ratione res componi, & Funestissimum inter gentes odium restingui potuit, donec* Henricus 7. *ab illis oriundus salutarem manum jacentibus Britannis porrexerit, &* Henr. 8. *eos in parem juris libertatisque conditionem atque nos ipsi Anglisumus acceperit*; that by no means they could be induced to undergo the yoke of servitude, neither by any reason could matters be compounded, and the most mortal hatred between those two Nations be extinguished, until *Henry* the Seventh descended of them had extended his soveraign hand to the forlorn Britans, and *Henry* the Eight had received them into the equal condition of right and liberty, even as we Englishmen are. And indeed *Henry* the Seventh was descended of *Owen Tuder*, who is said to be descended of *Cadwallader* a Prince of *Wales* (wherein the Welch prophecy seemed to them now to be fulfilled, the

one of the Princes of *Wales* should be Crowned with the Diadem of *Brute*, which Prince *Leolin* before vainly ascribed unto himself) who therefore was chearfully assisted by the Welchmen to the title of the Crown, they being desirous according to the former proposition made by them to *Edward* the first to have a Prince of their own Nation to rule over them. *Herbert. H.8.f.369*

Yet were not the Welchmen fully satisfied with this union, but expected a more entire union by laws; for notwithstanding the Laws which were established in that Country by *Edward* the 1. there were 141 Lordships of Marchers, which were then neither any part of *Wales* though formerly conquered out of *Wales*, neither any part of that Shire of England, who by the license of the Kings then Reigning, had Royall Signories in their severall territories. *Davis cep. f. 61. B.* 9. *H.* 6. 12. 152. & 11. *H.* 4. 40. and a kind of Palatine jurisdiction and a power to administer Justice to their tenants in every of their

territories, revoking their own Laws and cuſtoms at their pleaſure, that the writs of ordinary juſtice out of the Kings court were not for the moſt part current among them, and ſubſtituted Officers at their pleaſure, who practiſed ſtrange and diſcrepant cuſtoms, and committed ſuch rapins that nothing was almoſt ſafe nor quiet in thoſe parts; for by reaſon of the flight of the offendors from one Lordſhip to another they had eſcaped due and condign puniſhment: whereupon the nobleſt and eldeſt of that Nation ſupplicating *Henry* the eight, did crave to be received and adopted into the ſame Laws and priviledges which his other ſubjects of *England* enjoyed, which moved the King to make the ſtatute of 27. *H.* 8. c. 26. by which is ordained and enacted, that the Principality and Dominion of *Wales* ſhall be incorporated, united, and annexed to the Realm of *England*, altering in many parts the former juriſdiction and Government thereof, bringing

Herb. H. 8. fo. 369.

Herb. ibid.

bringing the ſame to the like adminiſtration of juſtice, as was and yet is uſual in *England*, appointing that the Laws of *England* ſhould take place there, and all Welch Laws, miniſter cuſtoms and tenures not agreeing to the laws of *England*, ſhould be theneeforth ever abrogated and aboliſhed: and therefore whereas before there had been eight ſeveral Shires in *Wales*, beſides the County of *Monmouth*, and that ſome other territories in *Wales* were then no Shire grounds, by reaſon whereof the laws of *England* could have no currant paſſage therein; by the ſaid Act there were erected in *Wales* four other, namely the ſeveral Shires of *Radnor*, *Brecknock*, *Mountgomery*, and *Denbigh*, by which means the Laws of *England* there alſo might be put into execution. And further the ſaid Lord *Marchers* grounds by the ſame Act were annexed and united, partly to the Shires of *England*, and partly to the Shires of *Wales* next adjoyning, as thought then by reaſon of the

vicinity of the place and otherwise most convenient to prevent the perpretating of the aforesaid enormities and odious offences by just and lawful punishments.

And to make the Union the more honourable, and that the noblest of the Welch Nation might participate of the highest priviledges and chiefest dignities of *England*, according to the Roman precedent, it was also ordained that out of the said Shires of *Wales* there should be one Knight, and out of every of the Shire Towns in *Wales* named in the said Act there be one Burgesse elected after the English manner; which Knights and Burgesses so elected and duely upon summons of every Parliament in *England* returned, should have place and voice in the Parliament of *England*, as other the Burgesses and Knights of *England* used to have.

And though the said Statute doth not make mention of the penalty given upon the Sheriffs false return for such Knights and Burgesses as

shall

ſhall be lawfully elected in *Wales*, and not returned, but that thoſe were given by the ſtatute of 23. *H.* 6. c. 15. againſt the Sheriffs of *England*; yet ſhall the Knights and Burgeſſes of *Wales* ſo elected and not returned, have the benefit of it by the ſtatute of 27. *H.* 8. becauſe that ſtatute grants that the Countrey of *Wales* ſhall have, enjoy, & inherit all rights, priviledges & laws within it's Dominions, as other ſubjects of the King born in this Realm: for the general words of the ſtatute make all the laws of *England* aſwel Common laws as Statute laws to be of effect in *Wales*, and ſhall take place there, and that the Welchmen ſhall have the benefit of the Engliſh laws for things done in *Wales*, as the Engliſh ſhall have for things done in *England*, and by a *Quod ei deforceat* the Welch ſhall take advantage of all actions real aſwel given by the common law as the ſtatutes of this Realm, *Vide Com. Ployd. Beckleys* caſe *Fo.* 128. *Fo.* 129. and beſides becauſe the Welch uſe a

ſpeech nothing like or conſonant to the Mother tongue uſed within this Realm, & that ſome rude and ignorant people did make a diſtinction and diverſity between the ſubjects of this Realm, and the ſubjects of the other, whereby great diviſion & variance did grow between the ſaid people, as in the preamble of the ſaid act is expreſſed; therefore more naturally to conjoyn thoſe diſſonant Nations as well by Language, as by Laws, it was alſo by that ſtatute enacted, that none that uſe the Welch Language ſhall enjoy any office or fees within the Kings Dominions, but ſhall forfeit them, unles they uſe the Engliſh Language; by which exception the Welchmen (who before much gloried in the Antiquity and ſimplicity of their *Britiſh* Language) were ſtirred on to bend their ſtudy and practice to the knowledge and pronunciation of the Engliſh Dialect; To the propriety of which moſt of them within few years attained, and at this day generally affect, and uſe it with delight, which hath

hath been an inſtrumental means of a more amicable union between theſe two Nations. And for the execution of the laws, it was ordained that the County of Monmouth formerly being a ſhire of *Wales* ſhould be governed from thenceforth in like manner, & by the ſame Iudges as other ſhires of England were: And for the other twelve ſhires a ſpeciall Iuriſdiction and Officers were ordained, yet in ſubſtance agreeable after the manner of the Engliſh laws. And finally, by that Statute, Gavelkind and all other ſiniſter cuſtomes of *Wales* were aboliſhed, but all cuſtomes which are reaſonable and agreeable to any cuſtomes of *England* preſerved. For by the ſame Statute it is provided, that a Commiſſion ſhall iſſue to examine the Welch cuſtoms, and that thoſe that ſhall be found reaſonable, upon a Certificate of the ſaid Commiſſioners ſ all be allowed, *Davis Rep. f.* 40. And accordingly whereas there was a Cuſtome in *Denbigh*, that a Feme Covert with

with her husband might alien land by surrender, and examination in Court: *Wray* and *Dyer* were of opinion, that it shall bind the feme, and heirs of the feme as a fine, though the feme after issue make such an alienation, and die; and the reason there given why the custome is not taken away, is for that it is reasonable and agreeable to some customs in *England*, for the assurance of purchasers; for the title of the Act is for Laws and Justice to be ministred in like form as in this Realm, *Vide Dyer*, 363. *pl.* 26. In like manner was it holden, 19. *Eliz. Dyer. f.* 345. *pl.* 13. that whereas before the subjection of *Wales* to the Crown of *England*, a man did hold lands of the Prince of *Wales* by service to go in his War; it was no tenure of which the Common Law might take notice, for the principality of *Wales* was not governed by the Common law, but was a Dominion of it self, and had their proper laws and customs: and for that reason when that Countrey was

reduced

reduced under the ſubjection of the Crown of *England*, ſuch tenure as was of the perſon of the Prince of *Wales* could not become a *Capite* tenure of the King of *England*.

In this manner and by the means of the ſaid Act of 27. *H.* 8. were the Welch Nation, and the Engliſh more entirely united by laws then before; of which union enſued a greater peace, tranquility and civility, and infinite good to the inhabitants of the Countrey of *Wales*, and ſo continued during the Reign of Six ſucceeding Kings and Queens, until the horrid and irreconcileable War broke out between the King and Parliament, wherein the Welch upon changes, being always Changelings, in the beginning levied Forces in Defence of the Parliament againſt the KING; in which War though a proſperous event ſucceeded, the royal Brigades being totally vanquiſhed, and the King himſelf under the power of the Army, yet aſſumed they unto themſelves their ancient animoſity; and being

poſſeſſed

poſſeſſed with a conceit that they were never conquered, but by compoſition; now adventured once more to make trial of their Britiſh valour under the Commiſſion of Prince *Charles*, and under the command of Major General *Rowland Laughorn*, Colonel *Rice Powel* and Colonel *John Poyer*, who before had been Commanders for the Parliament, and in a warlike and hoſtile manner poſſeſſed themſelves of divers Garriſons and Towns againſt the Parliament; and *Laughorn* being a General of great eſteem in thoſe parts, raiſed an Army, which in a ſmall time increaſed to the number of 8000 Horſe and Foot: which by Colonel *Horton* (who was ſent by the Parliament to ſuppreſs that inſurrection) through the aſſiſtance of the Almighty was totally routed, a great ſlaughter committed, and three thouſand priſoners taken, with all their ammunition. A happy Victory for the Parliament; their Forces conſiſting meerly of three Thouſand men; and a diſaſterous commence-

mencement for the Welch; who nevertheless persisted in their resolution. For *Laughorn* and *Powel* escaping by flight got to *Poyer* into *Pembroke* Castle, who before kept that strong Hold for the Parliament, and now having fortified it with a company of malignants, with great courage maintained it against them: so great was the danger, and difficult the enterprise, that Lieutenant General *Cromwell* himself, was sent with some Regiments into *Wales* to impede the Welch as well from rallying & collecting their fugitive and dispersed Forces, as to dispossess them of the Towns, Garrisons, and Castles, they had treacherously surprised: who first resolved to besiege *Chepstow* Castle, but hastning to *Pembrook* which was more considerable, he left Colonel *Eure* there, who within fifteen days took that Castle, and slew *Kemish* to whom before it had been betrayed. But *Pembroke* Castle was not so facile to be vanquished, and by *Poyer* deemed impregnable,

who

who relying on the ſtrength of the place refuſed all conditions, but *Cromwell* not enduring the repulſe with an aſſured confidence beſieged it, and through the accommodation of Sir *George Aſcue*, who furniſhed him with great Guns from the Sea, and all things neceſſary for a ſiege, forced *Poyer*, and *Laugharne* at the laſt being brought to extremity, (though it had been long ſtoutly maintained by them,) to ſurrender and deliver up the Caſtle without conditions, rendring themſelves priſoners at mercy, for which deliverie by order of Parliament a publick thanksgiving to God was Solemnized.

And why ſhould I now expoſtulate the queſtion with the Welch whether they ever were conquered by the Engliſh, when as now the beſt and moſt knowing of them have ingeniouſly acknowledged that they were never conquered before.

Tamque habemus Confitentes victu.

But

But what may seem to be the cause why the insurrections of the Welch were so frequent, but that *Edward* the first contrary to the Roman Garbe upon his first conquest did admit all of them to the possession and inheritance of their Lands and goods, which would be ruled and governed by the common law of *England*, and did forbear to settle a Militia, or deduce Colonies among them, thereby to restrain them from future Commotions: which the Parliament of *England* prudently observing were induced to put in practise the old Roman rule.

Parcere subjectis, & debellare superbos.

And ordained that all persons whatsoever that were in actual Rebellion in the said insurrections, and all other persons that have willingly by council or force assisted the same, or contributed any money's, horse or armes, amunition, or other aid

or

or assistance thereof are adjudged delinquents, and that their estates be sequestred, and that the Commissioners named and appointed in the said ordinance or such persons as they shall appoint, do seize the estates real and personal of all and every the said persons, delinquents aforesaid, and also to make sale, receive and dispose of all and every the Goods, Chattels, Debts, Rents, and personal estates of all and every the said Delinquents, and let, set, and improve their Lands at the best rate they can, according to the ordinance of sequestration &c.

And on some of their leaders did they inflict capital punishment, therein also pursuing the justice of the antient Roman Empire, *Qui de captis hostium civibus vindictam mortem sumebant*, who did take revenge of the Captains of their enemies which were taken by death, for which *Constans* the Son of *Constantine* is commended in the Panegyrick.

Grot. de J. B. & P. l. 9. c. 11

And further for the securing of the Parliament, and mutual defence

and

and ſafety of each other, did they ſettle and conſtitute the Militia in thoſe parts, which had a reſemblance of the Roman Colonies: and at this preſent are there military Garriſons continued in the chiefeſt Cities of *Wales*, by which means ever ſince that countrey hath been kept and maintained in peace and tranquility without the ſuſpicion of any inſurrection, and a conſtant unity ſetled between theſe two Nations.

The conqueſt of *Scotland* in regard of it's vicinity with *England* is in the next place to be conſidered, and eſpecially for that deadly feud and perpetual wars have time out of mind raged between theſe two Nations.

Nam rara eſt inter eos pax dum illi propagari, hi retinere imperium ſtudent: for peace was rare between them while they endeavoured to propagate their Empire, and theſe to retein it; which though the Engliſh for many Ages with all their skill and force have contended to vanquiſh, yet could they not until *Hiſt. Britt. fol. 7.*

these latter times accomplish. So difficult a task it was to conquer that valiant Nation, and by force to bring it to an union; for as the same Author saith, *Eadem utrisque in bello ferocia.* And as an other, *Gens virorum fortium fuit quam frugum feracior,* It was a countrey more abounding in proper men then in goodly fruits. A fierce Nation indeed, which was never subjugated by the Romans; as *Tertullian* who lived in the second Age according to the Christian computation intimateth, saying: *Evangelium diffusum est in omnes orbis partes, etiam in Britanniam usq; eamq; Insulæ partem, quam Romanæ vires nunquam penetrarunt,* The Gospel was diffused through all the parts of the world, also into Britany, and even into that part of the Island which the Romans never pierced, meaning that part of the Island which is now called *Scotland*; But the Romans attempting it, were continually rebutted and repulsed by them; and in fine were forced to frame

Apolog.

walls,

walls, trenches and bulwarks, to defend their Province from their terrible incursions, which were first built by *Adrian*, as *Ælius Spartianus*; then by *Antoninus Pius*, as *Julius Capitolinus*; and thirdly by *Severus*, thereby to stop the furious invasions of the *Scots*, of which *Claudian* doth mention.

Venit & extremis legio prætenta Britannis
Quæ Scoto dat fræna truci.

But whereas *Buchanan* a partial Trumpeter of his countrey praises, saith; *Nos regnum exiguum quidem, sed jam bis mille annos ab exterarum gentium imperio liberum tenemus*; we hold our Kingdom, a little one indeed, but now for the space of two thousand years free from the Dominion of forreign Nations: yet to the contrary saith *Matthew* of *Westminster*, *Quod Reges Angliæ Jure Superioris & directi Dominii, ab antiquissimis temporibus regno* Scotiæ *& ipsius regibus præfuerunt, & ab ipsis* *De jure regni apud Scot.*

& illorum proceribus regalia homagia receperunt & fidelitatis debita juramenta, that the Kings of *England* by the right of a more ſuperior & direct Dominion, from the moſt ancient times had their preheminence over the Kingdom of *Scotland* and their Kings, and have received legall homages from them and their Nobles, and due Oaths of fidelity. For after the *Saxons* had made a Conqueſt of the *Britans*, and reduced their Heptarchy into a Monarchy, changing it's name into *England*; *Scotland* by the power of their victorious Armes, was compelled to do homage and fealty to *England*, and to be tributary to their ſucceeding Kings For *Edward* the ſon of *Alured* had it under his Dominion; And *Athelſtane* made one *Conſtantine* King thereof, *Eldreck* took homage of *Ericus*, and *Edgar*, of *Kinulph*, Kings of *Scots*, *Malcome* did homage to *Knuto*, and *Edward* the confeſſor gave the Kingdom to *Malcome*, who did homage to *William* the Conquerour and to *William Ru-*

Hollingſhed Ed.3.

Herb. Hen.8.

fus

fus, and *Edgar* did homage to *Henry* the firſt, and *David* did homage to *Matilda* the Empreſs, which were without intermiſſion tranſacted by the ſucceeding Kings of *Scotland* to the ſucceeding Kings of *England*, even to the reign of *Henry* the ſeventh: which incited *Henry* the eighth to claim homage and fealty of *James* the fourth, which was partly the cauſe of the quarrel and famous Battail between him and the King, ſo as the aforeſaid homages & fealties made by the Kings of *Scots* were not only for the Earldom of *Huntington* as the *Scots* pretend. For *David* King of *Scots* having married the Daughter and Heir of the Earl of *Huntington* and *Northumberland*, and received the inveſtiture thereof, did not onely do homage and owe fealty for the Earldom of *Huntington*, as alſo his ſon *Malcome* did; but the ſaid *David* did alſo homage and made fealty for the Kingdome of *Scotland* to *Matilda* the Empreſs; as alſo all the ſucceeding Kings of *Scotland* *Herb. ib.*

did, according to the former expreſſion.

But of all the Kings of *England* none equalled *Edward* the firſt, and none as Sir *Francis Bacon* ſaith, is more celebrated with the commendations of War and Wiſedome, and eſpecially for his purpoſe and enterpriſe for the conqueſt of *Scotland*, bending his mind not to glorious conqueſts abroad, but to the ſetlement by conqueſt of a ſolid union between thoſe two diſcordant Nations, as before he had done between *Wales* and *England*. For which his heroick Acts the Fame of his vertue ſo wrought on the minds of the *Scots*, that great contention intervening between them concerning the ſucceſſion to the crown, *Alexander* the King of *Scots* leaving no Heir, there being twelve competitors, who by ſeveral titles laid claim unto the crown: all of them referred the deciſion of that royal caſe, without any conſtraint, and of their own good will, (as in the Reference is expreſſed) to the final ſentence of *Edward* the firſt, who after

Holl'ingſhed.

ſix years diſcuſſion adjudged the caſe on *Baliols* ſide; who indeed had the beſt title, but upon promiſe to ſubject the crown of *Scotland* to him, and to ſwear fealty and homage to him as his ſovereign Lord; and thereupon is *Baliol* crowned King of *Scotland*: which being done, King *Baliol* comes to *Newcaſtle* upon *Tyne*, where King *Edward* then lay, and there with the chief of the Nobility did ſwear fealty, and do homage to him as their ſovereign Lord, except *Bruce* who was the next Heir to the crown.

King *Edward* thus became the ſovereign Umpire and ſupreme Judge of *Scotland*, to whom the Nobles as the King himſelf before had done, appealed for Juſtice againſt the King. And becauſe King *Edward* would not permit King *Baliol* a Procurator, but cauſed him to defend his cauſe himſelf in the Ordinary place, in a rage at his return, he defyeth King *Edward*, renounceth his allegiance as illegally made without the Conſent of the

Hollingshed.

States. For which King *Balioll* being ſummoned to appeare at *Newcaſtle* and refuſing to come, King *Edward*, triumphantly with a mighty army invaded *Scotland*: *Barwick* is firſt taken, and afterwards the Caſtles of *Dunbar*, *Roxborrough*, *Edinborrough*, *Sterling*, and *St. Johns*; and *John Warren Earle* of *Suſſex* and *Surrey* is made Warden of all *Scotland*, ſir *Hugh Creſſingham* Treaſurer, and *Eraunſly* Chief Juſtice, to take in his name the homages and fealties of all ſuch as held Lands of the Crown and to be General Guardian of the whole Kingdom. And notwithſtanding *Balioll* in Parliament with the conſent of the States of *Scotland* did tender his ſubmiſſion, and did homage and ſwear fealty unto King *Edward* as his ſoveraign Lord, yet is he for his former infidelity ſecured and ſent into *England*; but not long after though the Scots were without an head, their King being in *England*, and all their great men in captivity and ſubjection, yet they

wanted

wanted not an heart to ſhake off ſervitude, and animated by one *William Wallis* a poor private Gentleman, though nobly deſcended, made an audacious and dangerous attempt, who with a forlorn and deſperate rabble like himſelf, fell ſuddenly on the Engliſh Officers, and ſlew Sir *Hugh Creſſingham* with ſix thouſand Engliſh, recovered many Caſtles, and regained the Town of *Barwick*. And ſeconded by ſucceſs ſo increaſed by ranging and rowling up and down, many of the nobler ſort reſorting to him, that within a ſhort ſpace his forces amounted to a copious and Warlike Army; and was in a propinque poſſibility to have freed his countrey from ſubjection, if the ſpeedy ſuccour of King *Edward* had not anticipated him; who removing his Court to *York*, and making that City his imperial Seat, (as the Roman Emperours heretofore did) that with the more convenience he might quell the inſulting Scots, there raiſed an exquiſite and choice Ar-

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my, and with three thouſand men of Armes on barded horſes, and four thouſand others armed on horſe without bards; and with an Army of foot anſwerable, he encountred the confident Army of the *Scots*, who on the onſet made ſuch terrible ſhouts, that King *Edwards* Horſe frighted therewith caſt him off and brake two of his ribs, yet nevertheleſſe he gets up again, goes on, and gains the victory. In which battel *Sexaginta Scotorum millia occiſa fuerunt*, threeſcore thouſand Scots were ſlain, as *William* of *Weſtminſter* numbers them, among which there were two hundred Knights; whereupon a Parliament being called at St. *Andrews*, moſt of the great men of that Kingdome (except *Wallis*) who had eſcaped by flight, proſtrated their homage and fealty to King *Edward* as their ſupream head and King, of which *William* of *Weſtminſter* giveth this character,

Arma parant Scotus regno dolet eſſe remotus.

And

And King *Edward* the better to keep ome in ſubjection, and deter others rom inſurrection, did confer moſt of he eſtates of the Earls and Barons of *cotland* with their titles that ſtood ut, on the Engliſh, as a reward of eir valour and vertue. And now would ſeem that *Scotland* was uite conquer'd and ſubjected to he Crown of *England*, they having o King nor Heir in *Scotland* but he King of *England*. But as *Cambden* ſaith, *eſt Natio ſervitutis Impatientiſſima*, It is a Nation impatient of ſervitude, and a breeder of ſtubborn and refractory ſpirits, which to their power would not ſtoop o the Engliſh Yoke: for though they were twice overthrown by King *Edward*, and thrice ſwore fealty unto him, yet did they as many times fallify their faith, which in military affaires is principally to be maintained,

Holling-ſhed Ed. 3.

Cambd. Brit.

Poſtremum eſt primumque tueri
Inter bella fidem.

And

And now again go about to contrive new commotions, rejecting *Baliol* their natural King, for that he received the Crown upon condition to subject the Crown of *Scotland* to the Crown of *England*, from which they recalled their allegiance that they had given to him, and received *Robert Bruce* come of the second branch, for their King; because as one of their own writers saith, he had basely condiscended to enslave that Nation, to whom their liberty had alwaies been so dear, that they have willingly and chearfully undergone all hazard of life and means; which if they should have suffered, they had nothing left whereby they might be called men, and consequently armed with this resolution, under their new head and King, forced all the Wardens of *Scotland* to retire to *Barwick*, whereof as soon as the King heard, he sends the Earl of *Pembroke* and the Lord *Clifford* with a strong power to relieve the Wardens of *Scotland*, whilst he prepares a potent Army to

In the History of the reformation of the Church of Scotland.

to ſollow, making a vow that either live or dead he would pour vengeance on the perfidious *Scots*. In which expedition, that magnanimous King falling into a ſickneſs at *Carlile*, adjured his ſon and all the Nobles about him upon their fealty, that if he died in this journey, they ſhould carry his corps with them about *Scotland*, and not ſuffer it to be interred until they had finally conquered the *Scots*; As *Matthew of Malmesbury*, *Juſſit corpus ſuum ibi remanere inſepultum dum tota* Scotia *eſſet finaliter acquiſita*. An heroick reſolution worthy the ſpirit of a conqueror; but he that never ſtooped to enemy was forced to ſubmit to Fate; and he that was alwaies victorious was overcome by death.

Quæ ſola ultricibus armis
Elatos animos frænat, quæ fortibus æquat
Imbelles, populiſque duces.

By whoſe immature *obit* the final and

and entire conquest of *Scotland* was prevented, which in all probability might have prosperously succeeded, if the envious destinies had not stopped the success of his victories, or his succeeding son had been a trusty Executor of his Fathers Testament: but he resembled his Father in vertue no more, then *Domitian* did *Vespasian*, or *Commodus* *Antoninus*, and one day of his Fathers, as *Tully* said of *Antony*, was more to be desired then an whole Age of his. For he degenerating from his fathers worth, lost all by sloth and luxury, which his father had won by valour and industry, permitting the new Scotch King to take all the Garrisons and Castles in *Scotland*, and without resistance to enter the English borders, and to take and burn Towns; that unless he would suffer him to pull his crown from his head, he could doe no less then give him battel; and in a manner forced him for his honour to levy an Army, who like himself raised one

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more fit for a court then a camp, which though it in number exceeded the Scottish Army, was by it shamefully defeated, the particulars and event of which would I could bury in oblivion, so much doth it eclipse the ancient glory of our Nation. Which singular victorie so encouraged the *Scots*, that for the space of three hundred years they were emboldned almost without any intermission, to make War with the English, to their little losse and prejudice, and could never be throughly quieted and appeased until the happy arrival of *James* the King of *Scots* to the crown of *England*, upon which ensued a blessed peace and union between those two discordant and belligerant Nations, an hopeful union of both Kingdoms under one natural *Liege* Sovereign; at which the *Scottish* Nation at the instant of his Majesties reign became Denisons, and the *Postuati* were naturalized Subjects of *England* from the time forward; and besides it was a conjunction

Bacon. discourse of that union.

of

of Allegiance and Obedience of the Subjects of both Kingdoms due by nature to their Sovereign, which in ſubſtance is but the uniting of the hearts of the Subjects of both Kingdoms one to the other under one Head and Sovereign, from which proceeded the union of protection of both Kingdoms, equally belonging to the Subjects of either of them.

Cok. L. 7. Calvins caſe f. 15.

Yet was not this Union ſo abſolute but that there were many ſeparations and diſtinctions between them, as that they were diſtinct Kingdoms governed by ſeveral judicial and municipal laws, and had diſtinct and ſeparated Parliaments; for which reaſon the ſaid King with all the forces and faculties of his mind, wherein he ſurmounted his Predeceſſors, endeavoured more entirely to cement and conjoin them, eſpecially by laws, which are the ſinews of Societies. For as Sir *Francis Bacon*, naturalization doth not take away the mark of a Forreiner, but union of laws makes us entire

entire as our ſelves, which taketh away both deſtruction and ſeparation; and to that end called a Parliament without which it could not legally be brought to paſs. For as Sir *Edw. Coke*, a King that hath a Kingdom by deſcent, ſeeing by the Laws of that Kingdom he doth not inherit that Kingdome, he cannot change thoſe laws of himſelf without conſent of Parliament: which though ſolenmly propounded and ardently purſued by his Majeſty in Parliament, as alſo vigorouſly and judiciouſly ſeconded by many of the ableſt members of the houſe of Commons, yet were the ſubjects of this kingdome in this point ſo refractory and adverſe to the ſubjects of the other Kingdome, that no union during that Kings raign at any time, in any Parliament, though often times moved, could be voted, ordained, and eſtabliſhed,

Cok. lib. 7. Calvins caſe, f. 17.

Auguſtis tamen excidit auſis.

And therefore this union lasted not long, for that it was not setled and perfected according to the aforesaid principles and rules: neither had it so long lasted, but that, that provident and circumspect King did conserve those two Emulous Nations in peace and unity, more by his magnificency and humanity, especially towards the Subjects of the other Kingdome, then by the politick precepts of union: by whose debonarity and bounty, the Scottish mens minds were so closely bound and knit unto him, that as well in *Scotland* whilst the King was absent, no distast or discontent did break out among them, as also they forsook their stable confederacy with the French, which for many ages was the Source and Origin of implacable and bloody battels between the English and Scots; they being thereunto incited and assisted by the French: whereas whilst the King reigned, the *Scots* had little Correspondence with the French, and in civil comport seemed

ed to exceed the Engliſh, being ready with them chearfully to conjoyn their forces againſt the affronts of any enemy whether *Spaniard*, or *French*. In this peaceable poſture and union did King *James* leave the *Scots* when he left this light; But his Sonne ſucceeding wanted his Fathers Kings craft, and became too rigid towards the *Scots*, and though he knew them addicted to the reformed Religion and the *Geneva* diſcipline, yet would he obtrude upon them a book of common prayer framed by the Arch-biſhops and Biſhops, wherein was contayned ſeveral ſeeds of idolatry, ſuperſtition & falſe Doctrine as they averred; & alſo a Canon annexed thereunto, that whoſoever ſhould oppoſe the ſame ſhould incurr the pain of excomunication, with divers other canons fraught with errors and ſuperſtitions, which wonderouſly inflamed the *Scots*, and exaſperated them to raiſe ſeditions and to rebel againſt their King; for as *Daneus*, *propter mutatam a Prin-*

cipe vel publice vel privatim religionem patriam & ob peregrinam susceptam, populus sæpe a principe desciscit, For the changing of the Religion of ones Countrey publiquely or privatly by the *Prince*, and imposing a strange one, the people doe often rebel against their *Prince*, as here it hapned; which they managed with such violence and confidence, that a royall and terrible army of the English could not fright or dismay them, but cunningly by degrees drew the English into their faction, who unanimously conjoyning did eradicate the Hierarchy of Arch-bishops, Bishops, their jurisdiction, book of common prayer and canons and the like trumpery in both Kingdomes, and for many years adhered to the Parliament, and maintained a defensive War against those evil counsellors as seduced and withdrew his Majesty from his Parliament. But in the end the Scots fell into variance with the Parliament for many particular propositions concerning the interest

and

and power of the King, and chiefly for going about to diminish the just power and greatness of his Majesty, which they by their covenant (as was by them pretended,) their allegiance and duty as subjects were obliged to support; and thereupon in a grievous discontent without taking their leaves left *England* and quite deserted the Parliament. But not long after the fatal doom and death of the King eveening, which was juridically inflicted on him for his tyranny, to prevent succeeding tyranny; the Parliament was necessitated to the alteration in Government, and to the setling the Government in a way of a free state, which according to the practise of the Romans (whom in this tractate we have chosen for a president) was adjudged convenient and conducible for the good of this Nation, as it was for theirs, when for the tyranny of *Tarquinius Superbus*, they did change their royal rule into the free commonwealth: neither doth such a transmutation alter the sub-

As in the Declaration of Parliament is expressed.

ſtance and eſſence of a ſtate, for the form of a commonwealth or city being changed, the commonwealth or city remaineth the ſame, *Neque enim* (as *Grotius* ſaith) *refert quoquo de gubernetur an rege, an plurium, an multitudinis imperio, Idem enim eſt populus Romanus ſub Regibus, Conſulibus, & Imperatoribus.*

Grotius de I. B. & P. l. 2. c. 9.

Neither is it material how it is governed, whether by a King or by the command of more, or a multitude; but the formal difference conſiſteth in the quality and vertue of the Governours: for as learned and Judicious *Patricius* (who was born in a free City and did compoſe two elaborate and accurate *Volumes*, the firſt being in commendation of a free State, and the ſecond in praiſe of Principality, comparing the one with the other) affirmeth, that if a Commonwealth be governed by one good man, that kind of Government, as it was the firſt ſo it is the beſt, but if through the vices and tyranny of the Prince, it be devolved into a free State,

Patric. de Rep. l. 1. tit. 1.

ſuch

such Government is also to be approved and extolled. lest the people being factious, and carried away with lust and avarice, ruine the estates of the best deserved Citizens and will not be satisfied without the effusion of blood, or banishment; which as the same Author saith was the overthrow of the *Athenian* Commonwealth, and concludeth with the determination of *Xenophon*, *Omnes civiles civitates vitio eorum ruere, qui illis præsunt*, that all civil Cities are ruined by the vices of those that have authority over them; for if they be rightly governed they may be *omnino perpetuæ & immortales*, altogether perpetual, and immortal. But to return to the point whence my Pen started, the Scots incensed with the dismal and ignominious death of their King, and total deprivation of his issue from the inheritance of the Crown of *England*, began to muster up in their mindes hostile thoughts of revenge, and to dream of the conquest of *England*, they having a

Patric. de princ. l. 1. tit. 3.

title to it by their King, and many Cavaliers and Royaliſts dormant in that State vigorouſly to aſſiſt them. And therefore his Father being deprived of this life, they treated with *CHARLES* his Son and Heir, being then in Forreign parts, upon certain Preſbyterian Covenants, to come and ſucceed his Father in that Crown; which he accepting, was royally by them received, and ſolemnly crowned KING of *Scotland*. And now the *Scots* proud of their Native King, he being indeed a gallant *Gentleman*, and by reaſon of the civil Wars brought up in the field of *Mars*, began to prepare an Army for the Invaſion of *England*; of which the circumſpect Parliament having intelligence, all the actions of the Enemy being as equally known to them as their own; to prevent the imminent danger which was eſteem'd great, (they being unanimouſly united under one Head, who before were divided, and beſides aided by forreign Princes,)

upon

upon a ſerious debate created *Oliver Cromwell* for their General, as a man equivalent to ſo perilous a Deſign; who *Elatus gaudio* (as *Ceſar* was when by the conſult of the Senate he was decreed to march againſt the *Gaules* the ancient terror of *Rome*) (to give him his due, without envy or flattery) with the *Ceſarean* celerity, and a compleat and well diſciplined Army marched up into the bowels of *Scotland*, wiſely projecting to make it the miſerable Seat of War, and by provoking the Enemy to increaſe confidence in his Commilitons, and to diſhearten theirs; with whom was conjoined Lieut. Gen. *Lambert duo fulmina belli* who in the end thundered them all in pieces: but they in the beginning, though exceeding them in number, would not adventure to hazard a battel, but endeavoured by *Fabian* cunctations and deprivation of neceſſaries to weaken and diminiſh their forces, continually retreating and drawing them into mooriſh and unſound

Sueton.

places

places, whereby many perished, and divers fell into pernicious diseases, so as the General was constrained to retire with the reliques of his Army towards the Sea, with an intention to ship them for *England*; which the numerous Scottish Army conceiving, being well accomplished and furnished with sound and able men, and sufficient necessaries, pursued them at the heels, and having cooped them up within a Nook of land and encompassed them within the Arms of the Sea, thinking themselves sure of spoil and victory, they boldly offered them battel: which the General and *Lambert* his Lieut. General, though environed with desperate extremes, cheerfully and courageously embraced (*Clausis in desperatione crescit audacia*) and with more then ordinary vigour and audacity, piously excited their Commilitons being but a wearied and sick handful of men to that desperate encounter, who resolving to die or gain the victory rushed with them into the battel: And the General

Veget. de mili. l. 3.

eral animating the Foot, and the
eut. General *Lambert* the Horſe,
nder the Word and Name of the
ord of Hoſts, obteined a glorious
nd wondrous Victory, moſt of that
ghty Army being ſlain, or taken
iſoners,

Dignos laude viros Muſa vetat (mori.

Whereas if the Scots had permit-
d them to paſſe, and not forced
hem to fight upon ſuch deſperate
raits, and followed the military
recept, *cum deſperatio non eſt pug-
andum*, they had made an ingle-
ious return, and the Scots had
ained a fortunate opportunity
pon a conſequent Invaſion to have
ubdued *England*.

Ἀλλ' ὅ γ' ἐτέλειετο βουλή. *Homer. Iliad. 1.*

But God's will was done,
nd the General skilful how to uſe
is Victory, with his victorious Army
like an irreſiſtible inundation over-

ran

ran the whole Countrey, took *Edenburgh*, and the Castles of *Leith*, *Dundee*, *Brent* Island; as also St. *Johnstons*, and *Sterling* Castle, a place of incredible strength, and in conclusion forced their hopeful KING, with the remainder of his forces secretly to fly into *England* for Refuge, upon vain hopes of second supplies; but by the divine providence being prevented, and stopping his course at *Worcester*, was by the invincible General, and his couragious Commilitons, who with tedious and irksome marches at the length overtook him, totally defeated and utterly vanquished: many Nobles of *Scotland* being taken, and committed, with many thousand other inferiour persons. By which Victory the conquest of *Scotland* was absolutely accomplished, and ever since hath been subject to the Commonwealth of *England*; which by vertue of that conquest have therein Placed Garrisons and English Colonies, according to the Roman Rule

to

to contein them in ſubjection, peace and union. But to apply my Pen to the other rule which is the union by laws; and though it is in the power of the Conqueror at his pleaſure to alter and change the laws of the conquered Kingdom, and that without a Parliament as *Edward* the firſt did by his Charter of *Rutland*, but until he doth make an alteration of laws, the ancient laws of that Kingdom do ſtill remain; yet certainly it is the greater victory to alter and change the Laws of the conquered with their conſent, that there may be a more intimate and intire union between them. And therefore did the Parliament in *December*, 1651. to the end that the people of *Scotland* ſhould be united with the people of *England* into one Commonwealth and under one Government, ſend Commiſſioners into *Scotland* to invite the people of that Nation unto ſuch an happy union; who proceeded ſo far therein, that the Shires and Burroughes of *Scotland* by their deputies

Cok. L. 7. Calvins caſe f. 17.

puties appearing at *Dalkeith*, and again at *Edenborough*, did accept of the said union and assent thereunto; which was seconded by the late Protector of the Commonwealth of *England*, who by the advice of his council ordained, *April* 5. 1654. That all the Dominions of *Scotland*, of the Isles and Territories thereunto belonging, are and shall be, and are hereby incorporated into, constituted and confirmed one Commonwealth with *England*, and in every Parliament held successively for the said Commonwealth, thirty persons shall be called from, and serve for *Scotland*, which Ordinance was confirmed by the Parliament in the year 1657. So many Knights, and Burgesses, as before was expressed, who were called and summoned according to the said Ordinance, were admitted to sit in the said Parliament, and did vote & joyn with the English in the making and enacting of Laws; which Laws so made or hereafter to be made by them in Parliament, do bind and

oblige

oblige the Commons of *Scotland*, as well as the Commons of *England*; because the Knights and Burgesses of both Countries, being chosen by the Assent of the Commons of either Countrey, do represent the estates of the several and distinct Commons of either Countrey: And therefore as St. *German* saith, every statute there made, is of as strong effect in law, as if all the commons were then present personally at the making thereof. There are many more particular clauses in the aforesaid Ordinance contained, which concurr to the more full effecting of the said union, all which I refer to the consideration of the supream council of this Nation. And though the constitutions of the countreys of *England* and *Scotland* be such, that there can hardly in all things be such an absolute reconciling and uniting of their laws, no more then there hath been between other country's subject to the obedience and allegiance of the Kings of *England*; as *Normandy* and *Aquitany*, had several

Doct. & Stud. li. 2. c. 46.

lawes

lawes different to the lawes of *England*; *Garneſey* and *Jerſey* have yet their ſeveral lawes, which for the moſt part were the antient lawes and cuſtoms of *Normandy*; *Kent*, and *Cornwall* have alſo their ſeveral Laws and cuſtoms, and ſo hath the county of *Palatine* of *Cheſter*: yet do not theſe ſeveral Laws make any differences in matter of ſubjection and obedience, and are no markes of diſunion or ſeveral allegiances.

Diſcourſe of the union of *England*, and *Scotland*.

Howſoever as Sir *Francis Bacon* ſaith, it is to be wiſhed that the Scottiſh Nation was governed by our Lawes which with ſome conducement are worthy to govern if it were the world; or elſe that *Scotland* be in the like degree and conditions with *Wales*, as hath been for many hundred years; thoſe Laws and cuſtoms onely being in force, which are reaſonable and agreable to the Laws and cuſtoms of *England*, for it is a matter too curious to extirpate all particular cuſtoms which are conſonant to reaſon, and it ſufficeth that there

be

be a uniformity in the fundamental Laws.

For language it is not needful to insist upon it, because both Kingdomes are of one language, though of several dialects, and the difference is so small between them, as Sir *Francis Bacon* saith, that it promiseth rather an enriching of our language then a continuance of two; so as it may seem convenient that as they Originally participate of one language, they should likewise be under one Government, as heretofore by antient Histories they are reported to have been; which is now revived and like to continue, the premised Roman rules being observed. *Ibid.*

But now to wast *Englands* conquering forces over into *Ireland*, which though it was first conquered is placed in the Arrear, for that it is more remote, and separated from it by the Sea; yet is it by *Ptolomy* stiled *Britannia Minor* as an adjacent Island, and is another *Brittain*, as *Brittain* is said to be another world,

it being not inferiour to any part of Britanny for affinity and fertility, as *Tacitus*, *solum, Cœlumque & ingenia haut multum a Britannia differunt.* And indeed is endowed with many dowries of nature, with the fruitfulness of the soyl, and plenty of all provision, with the ports, the quarries, the woods, and other worthy materials. But yet it is under question what King first subjugated that Island, Sir *Edward Coke* maketh mention of an antient Charter of King *Edgar*, in which he blesseth the altitonant and omnipotent God for all his victories, and that he had subjected all the Kingdomes of the Island of the Sea unto *Norway* with their fiercest Kings, and the greatest part of *Ireland*, with its most noble City of *Dublin*, to the Kingdome of *England*: and *Henry* of *Huntington* saith, there were five Kingdomes in *Ireland*, of which the great or greatest part was conquered by King *Edgar*, which *Cambden* also affirmeth, *Quod maximam Hiberniæ partem*

Vita Agr.

Cokes pre. l. 4. 4th Book of Reports.

Cambd. Brittan.

partem devicit, yet because *Henry* the second made a more absolute conquest of it, the honor of that conquest is ascribed to him, and was the first was intituled *Rex Angliæ, Dominus Hiberniæ*; and as *Henry of Huntington* Historieth it, at his Arrival with a potent Army into *Ireland*, the King of *Cork*, the King of *Limmerick*, the King of *Oxery*, and the King of *Meth* submitted themselves to his summons, recognizing him to be *totius Hiberniæ dominum*, (only the King of *Conagh* stood out) which Pope *Alexander* confirmed to him and his Heirs, and which afterwards by his power was possessed, and detained by English Colonies.

Yet was there no alteration of their Lawes till the reign of King *John*, who as Sir *Edward Coke* saith, in the twelfth year of his raign went to *Ireland*, and there by advice of grave and learned men in the Lawes whom he carried with him, in a Parliament *de Communi omnium de Hibernia consensu* enjoyned and established, that *Ireland* should

Col. Com. f. 1. a. 6. be Governed by the Laws of *England*, which he left in writing under his seal in the Exchequer of *Dublin*, and which afterwards was confirmed by the Charter of *Henry* the third, in the thirtieth year of his reign, wherein is declared, that for the common utility of the Lands in *Ireland*, and the unity of those Lands, that all the Laws and customs that are holden in the Kingdome of *England*, be holden in *Ireland*; and that the same Lands be subject to the same Laws, and be ruled by them, as King *John* when he was there did firmly enjoyn; and therefore willed that all the writs of the common Law, which run in *England*, likewise run in *Ireland*: and accordingly was it resolved *Trin.* 13. *Edw.* 1. *Coram rege in Thesaurio in longo placito*, that the same Laws ought to be in the Kingdome of *Ireland*, as in the Kingdome of *England*: and therefore as Sir *John Davis* saith, every County *Palatine* as well in *Ireland* as in *England* was originally parcel of the same

Davis rep. f. 37. a 6.

Davis rep. f. 6, 7. B.

ſame Realm, and derived of the Crown, and was alwaies governed by the Law of *England*, and the Lands there were holden by ſervices and tenures, of which the common law took notice, although the Lord had a ſeveral juriſdiction, and a ſigniory ſeparated from the Crown; upon conſideration of which Sir *Edward Coke* inferreth this concluſion, that the unity of Laws is the beſt means for the unity of Countries as before hath been premiſed. *Cok. Com. f. 14. B.*

Yet many of the Iriſh ſoon after, abſolutely refuſed the Engliſh Laws, preferring their Iriſh cuſtoms, which they call their *Brehon* Law, becauſe the Iriſh call their Judges *Brehons*; and therefore in the Parliament *Anno* 40. *Ed.* 3. In the Parliament holden at *Kilkenny* in *Ireland* before *Lionell* Duke of *Clarence* being the Lieutenant of that Realm; the *Brehon* Laws were declared to be no Law, but a lewd cuſtom, which for that reaſon were aboliſhed, *Quia malus uſus eſt abolendus.* *Cok. ib.*

And though that by that ſtatute the *Brehon* Law, which was the common Law of the Iriſh, was declared to be no Law, yet was it not abſolutely aboliſhed among the meer Iriſh, but only prohibited and forbidden to be uſed among the Engliſh race, and the meer Iriſh were left at large to be ruled by their barbarous cuſtoms as before: And therefore for that by thoſe cuſtoms, baſtards had their part with the legitimate, & women were altogether excluded from *Dower*, & that the daughters were not inheritable, though their Fathers dyed without Males; by the ſame ſtatute it was Enacted, that no compaternity, Education of Infants, or Marriages, be made or had between the Engliſh and others in peace with the King, with the meer Iriſh. And though the ſtatute made by King *John* in *Ireland*, and the Ordinance and writ of King *Henry* the third were general, yet is it manifeſt by all the antient Records of *Ireland*, that the Common Law of *England* was onely put in execution in that part of *Ireland*, which was

Davis reports, f. 39

reduce

reduced and devided into counties and posſeſſed by the Engliſh Colonies, and not in the Iriſh Counties and territories which were not reduced into Counties until the time of Queen *Mary*, and Queen *Elizabeth*. For King *John* made but twelve Counties, but the other provinces, and territories which are divided into 21. Counties at large, being then inhabited for the moſt part by meer Iriſh, were out of the limits of any Shire ground by the ſpace of three hundred years after the making of the former twelve Counties, for it was impoſſible that the common Law of *England* ſhould be executed in thoſe Counties, or territories; for the Common Law of *England* cannot be put in execution where the writ of the King doth not run, but where there is a County and Sheriffe or other Miniſters of the Law to ſerve, and return the writs of the King: and for this cauſe were the meer Iriſh out of the protection of the King, becauſe the Law of the King, and his writs as *Vid. Davis* 39. a. b.

Littl. Tom. f. 43. *Littleton* ſaith, are the things by which a man is protected & aided; and therefore the meer Iriſh, (who had not the benefit of the Law until the time of *Henry* the eight) where any mention is made of the Wars of *Ireland* are called enemies, & the engliſh rebels but by the 33. *H.*8. c.1. by which it is recited that becauſe the King of *England* did not aſſume the name & ſtile of King, the Iriſh Inhabitants have not been ſo obedient to the King of *England* and his Laws, as of right they ought to have been; It was Enacted that King *Henry* the eight, his Heirs and Succeſſors ſhall be for ever Kings of *Ireland*, and ſhall have the name ſtile and title of the King of that land, with all the honors, prerogatives, and dignities, appertayning to the State and Majeſty of a King, as united, and annexed to the imperiall Crown. After which royall union the ſaid differenee of the Engliſh rebells and Iriſh enemies is not to be found on Record, but all thoſe meer

meer Irish were afterwards reputed and accepted subjects and Leigemen to the Kings and Queens of *England*, and had the benefit and protection of the law of England. And afterwards the Irish were more averse from Rebellions, and more ready to forsake their *Brehon* laws and to be ruled by ours, the stile and title of the King of *Ireland* being more pleasing & acceptable to them then Lord of *Ireland*; the one denoting a tyrannical & arbitrary Government, & the other a limited power according to law and equity. For such Princes as arrogate to themselves the name of Lords, seem to usurp an arbitrary and plenipotentiary power over their subjects, which are Proprietors of nothing but at the will of their great Lord. And therefore did the wisest of the Roman Emperors refuse to take upon them that arrogant and absolute title, it properly appertaining only to God: but under a King the subjects are free men, and have property in their Goods and Frank tenements and inheritance; who doth

Tholos. Syntag. li. 13. c. 1.

Davis f. 40. B.

doth not domineer over them according to his will and pleasure, but ruleth them according to Law, for as *Bracton*, *Non est Rex ubi dominatur voluntas, & non Lex.*

Lib. 1. *c.* 4. *fol.* 9.

And accordingly the Kings and Queens of *England* to the intent that the Laws of *England* might have a free course in and through all the Realm of *Ireland*, (as is expressed in the statute of 11. *Eliz.* c. 9.) did they provide in several Parliaments to wit, 3. & 4. *Ph.* and *Mary* c. 3. and 11. *Eliz.* c. 9. that Commissions should be awarded to reduce into Shires and hundreds all the Irish Land which were not Shire ground before. And according to it in the several Governments of *Thomas Earl* of *Sussex*, Sir *Henry Sidney* and Sir *John Perott*, not only the Irish territories in the confines of *Lemster*, but also the entire provinces of *Conagh* and *Ulster*, being out of all Shire ground before, were divided and distinguished into several Counties and hundreds, & several Sheriffs, Coroners, and justices of peace, and other Officers and Minister

Miniſters of the Law of *England* have been from time to time conſtituted in thoſe Counties, by ſeveral patents and commiſſions under the great ſeal of *England*: and by this means has the common Law of *England* been communicated to all perſons and executed throughout all that Realm for many years paſſed; and ſo continued unto the reign of the late King *James*, who alſo by a ſpecial proclamation in the third year of his reign, declared and publiſhed that he had received all the Natives of the Realm of *Ireland* into his royal protection, *&c.* By which it was clearly reſolved, that the common Law of *England* was eſtabliſhed univerſally throughout the Realm of *Ireland*, and that all perſons and poſſeſſions within that Realm ought to be governed by the rules of that Law, and that every ſubject ſhall inherit his Lands in *Ireland*, by the juſt and honourable law of *England*, in that manner and by the ſame law that the King inherited the Crown of *Ireland*: and by

these degrees was the common law of *England* introduced and established in *Ireland*.

And in the same year of that King accordingly, it was by the special order of the deputy of *Ireland*, and the justices resolved and declared, that because all the Irish counties and the Inhabitants of them were to be governed by the rules of the common law of *England*, the Irish customs were void in law, not only for the inconvenience and unreasonableness of them; but for that they were meer personal customes and could not alter the descent of inheritance. For all the possessions of the Irish territories (before the common law of *England* was established) did run either in the custome and course of Tanistry, whereby every Lordship or chiefty with the portion of land which did pass with it, did go without partition to the tanist and not to the next Heir of the Lord or chieftye, but to the elder and more worthy of that linage, who oftentimes was removed and

Vid. Davis re. f. 51. 52

and expelled by another, who was more active and more ſtrong then he. Beſides the wives of the ſignior claimed to have a ſole property in a certain portion of goods during the coverture, with power to diſpoſe of them without the aſſent of their husbands: Or in the courſe and euſtom of Gavel kind, whereby all the inferiour tenancies were partible among the males, in this manner; the Caufeny or chief of that linage who was commonly moſt antient, after the death of every tennant which had a competent portion of land, did aſſemble all of that linage, and having put all their poſſeſſions in Hotch Potch, did make a new partition of all, in which partition he did not aſſign to the Sons of thoſe that dyed the portion that the Father had, but he allotted to every one of that linage according to his Antiquity the more and greater part; by whom alſo a new partition upon the death of every inferiour Tenant was made at his will and diſcretion. And ſo by reaſon

of

of those frequent partitions and translation of Tenants from one portion to another, all the possessions were uncertain, and the uncertainty of the possessions was the true cause that no civil habitation were erected, no inclosure or improvement was made of Lands in the *Irish* counties where this custome was in use; especially in *Ulster*, which seemed throughout to be a Wilderness before the new Plantation made by the *English* Undertakers there.

Also by that custome bastards had their purparty with the *English*, the women were utterly excluded from Dower, the daughters were not Inheritable though their Father died without Issue male: and therefore for the aforesaid inconveniences and unreasonableness of those customes, were they utterly abolished; As the customs of Gavel kind in *North-Wales* by *Edward* the first and *Henry* the 8. which were semblable to the customs of the *Irish*: and therefore was it adjudged that

the

the lands in *Ireland* ſhould deſcend according to the courſe of the the common law, that women ſhall be endowed, that daughters ſhall be inheritable for defect of iſſue male; and the property of ſuch goods ſhould be in the *Iriſh* Lords and not in the feme coverts according to the *Iriſh* uſage: which reſolution of the Judges, by Order of the Deputy was regiſtred among the acts of the Council; but this proviſion was added to it, That if any of the meer *Iriſh* had poſſeſſed and enjoyed any portion of land by theſe cuſtoms, before the commencement of the reign of the late King *James*, that he ſhall not be diſturbed in his poſſeſſion, but ſhall be continued and eſtabliſhed in it; but that after the commencement of his reign, all lands ſhall be adjudged to deſcend to the Heirs by the Common Law, and ſhall hereafter be poſſeſſed and enjoyed accordingly. And yet were not the laws of *England* fully and totally eſtabliſhed in *Ireland*, one of the main triangles of the

laws

laws of *England* being yet excluded, for as Sir *Edw. Coke*, the laws of *England* are devided into common Law, Customs, and Statute law; and though the common law of *England* was introduced, and the *Irish* customes abolished in *Ireland*, yet were not the Statutes made in the Parliament of *England* currant in that countrey; for the Land of *Ireland* had Parliaments, made Laws and changed laws, and those of that land were not obliged by the Statutes of *England*, because they did not send Knights to it, as Sir *Edw. Coke* observeth. And though Sir *Edward Poynings* having both Martial and Civil power given him by the commission of *Henry* the seventh above the Earl of *Kildare* then Deputy of *Ireland*, called a Parliament in *Ireland*, wherein was made that memorable Act, which at this day is called *Poynings* Law, whereby the Statutes of *England* were made to be of force in *Ireland*; yet before they were not, neither are any now in force in *Ireland*, which were made

Cok. Com. on Litt. 110. B.

Cok. Com. f. 141. B.

Bacon Hen. 7. f. 138.

made in *England* since that time, but have had Parliaments since holden there, wherein they have made divers particular Laws concerning the Government of that Dominion; wherefore in this particular *Ireland* was still a Dominion divided, and separated from *England*, and the union between those two Nations in that respect not absolutely perfect; and therefore did it seem a worthy Act in the late Protector to have ordained by the advice of his Council, that thirty Knights and Burgesses out of *Ireland* should be elected to sit in the Parliament of *England*, thereby to oblige those of that countrey to be subject and obedient to our statute as well as our common Laws, that as we are one and the same commonwealth, so we may be governed by one and the same Laws, and they participate of the same honours and priviledges, which is the surest means for the consolidation of such a union; for the more entire the union is, the less apt will they be

any occasions to break, and the imperfection of such a union being oftentimes the Origine and cause of Revolts: a direful example of which is recorded in the Annals of the Roman Republick, which as it was the best estate in the world, so is it the best example; which as in the frontispice we have followed, so will we not forsake to the end.

Aneus Martius was the first that conquered the Latins, who having by force taken many of their Towns, received many thousands of them into the City of *Rome* as one body, but because they were not equally intreated, they joyned Armes with the *Tarquinians* against the people of *Rome*, and though after a bloody battail they were reunited, yet was not that union durable, because not entire; for that the people of *Rome* had not inserted them in their Tribes, nor admitted them to participate of their immunities and honours; for which reasons the Latins conceiving themselves to be undervalued and vilified, were bold

bold to demand the freedom of the city of Rome, and that one of their consuls be of their country, which being denyed they converted their demands into Armes. Yet afterwards being again reconciled, upon hopes to be enfranchised; first by *Fabius Flaccus* one of the consuls who attempted the prorogation of the Law though impeded by the Senate, and afterwards by *Livius Brusus*, who was also opposed by the people: at which exasperated seeing themselves deluded, they made an association with the *Hetrurians* and the *Sabins*, who because they were all by affinity of promiscuous marriages consanguineans, and as *Florus* saith, *unum corpus* with the people of *Rome*, and that they had augmented that city by their valour, and yet were dispised, they jointly made War against the City of Rome, as well those who lived in the City, as those who abided in *Italy*, which was called *Bellum sociale*, but indeed *bellum civile*, a civil and destructive War both to

Florus l. 3. c. 18.

Ibid.

the people of *Rome* and the Cities of *Italy*, that as *Florus* saith, *Nec Annibalis, nec Pyrrhi fuit tanta vastatio*, the devastation and depopulation of *Hannibal* and *Pyrrhus* was not soe great, such were the fatall fruits of an imperfect union. Whereupon the people of *Rome* instructed by sad experience did condiscend to a more intire union with them, and permitted them to participate of the priviledges and honors of *Rome*, being according to their worth preferred and placed in the Senate; which *Claudius* in *Tacitus* urgeth in the like case, for the bringing in of the chiefest of the French into the Senate in these words, *Neq;* *Tacit. l. 11.* *enim ignoro Iulios Alba, Coruncanios Camerio, Portios Tusculo, & ne vetera scrutemur, Etruria, Lucaniaq; & omni Italia in Senatum accitos. Cætera quis nescit?* And needs no application.

But in this case the sovereign use of the Law hath almost made me to omit the necessity of Arms, and to demonstrate how through the insufficiency and debility of English Colonies

Colonies and the *Militia* in *Ireland*, a deteſtable and infernal deſign was hatched and contrived by the rebellious and bloody Papiſts, whereby all the Forts and Magazins in that Kingdom were to be ſurprized in one day, and all the Engliſh Proteſtants maſſacred, and all *Ireland* in one day to be loſt, had it not through the providence of God, the very night before been diſcovered by one only Iriſh man, ſervant to one Sir *John Clotworthy* whom *Macmahon* had unadviſedly truſted with the Plot: by which *Dublin* was ſaved and the ſeizure of the Caſtle, the Kingdomes chief Magazine prevented, to which purpoſe many rebels of great note came to the City the day before, who upon the apprehenſion of *Macmahon* eſcaped with the Lord *Macquire* that night, to do more miſchief; & with the reſt of the conſpirators that were that day in all the country round about, within two months ſpace murthered 200000 proteſtants; many of them being

by intollerable tortures brought to their end, beſides infinit numbers who were robbed and ſpoiled of all they had, and daily driven naked and almoſt famiſhed to *Dublin* for reliefe; with whom the City was ſoe filled that they were enforced for the preſervation of themſelves and the lives of their wives, children and families, to fly for ſuccour into the ſeverall parts of the Dominions of *England* and *Wales*.

O nullo ſcelus credibile in ævo
Quodq; poſteritas neget.

Senec. Troyeſt.

It equalling, if not exceeding in number and cruelty, the execrable and perfidious Maſſacre of the Proteſtants in *France* and *Paris*. For *Ireland* being deſtitute of a Deputy and military guards, *Hinc Hiberniæ calamitas*: the Lord Juſtices, Sir *William Perſons*, and Sir *John Borlace* were driven to take thoſe Arms which they found in *Dublin*, and to arm whom they could of a ſuddain to defend themſelves and the

places

places near, against the approach of the enemy. In this dangerous streight and perillous condition did the estates of the English in *Ireland* stand, who for want of a setled station of English Colonies were at the point to have lost themselves, and that Countrey; for the English were so involved in homebred civil Wars, that the Parliament of England for a present aid could send them but twenty thousand pounds, and though afterwards, they transported some Regiments, yet for the space of ten years were they unable to free that countrey from that malignant and pestilent enemy. The *Trojan* Wars being incomparable to it for cruelty, for through our daily discords and distractions their cursed cruel crue continually augmented almost to the overwhelming and destruction of the English. But when all the malignants were quelled in *England*, and the Royalists debelled in *Scotland*, and that *Dublin* was besieged by the Irish with a formidable

Army and in danger of a ſurrender, General *Cromwell* was ſent by the Parliament of *England* to relieve *Dublin*, and ſuppreſs the Iriſh Rebels; at whoſe approach Colonel *Jones* encouraged, made an unexpected and ſuddain ſally on the enemy, and valiantly repelling them, put them all to flight; which the General purſuing, within a ſhort ſpace by ſharp ſiedges regained thoſe ſtrong Towns and Garriſons which the Iriſh had ſurreptitiouſly ſurprized, and by degrees cleared the countrey of ſuch ſeditious Iriſh as ſeduced and corrupted the well affected of that Nation, and having ſetled it in peace and ſafety, at his return was honoured with the thanks of the Parliament.

And now the provident Parliament apprehending it more ſafe and advantagious to prevent commotions then to ſuppreſs them, ordained and appointed Engliſh Colonies to be deduced into *Ireland*, which they committed firſt to the charge of Lieutenant General *Ireton*, and

after

after his death to the Marshalling of Lieutenant General *Charles Fleetwood*, who afterwards for his singular care and vigilancy was by the Lord Protector made Deputy of *Ireland*, both of them being successively Commanders in chief of a competent Army, and of all the Garrisons sufficiently fortified; and to strike the more terror into Delinquents, they censured the ringleaders of that Rebellion with Capital punnishment, *Ut pœna ad paucos, metus ad omnes perveniat.* And confiscated all the lands and goods of some, and sequestrated others to the use of the Commonwealth, by which Roman *Model*, *Ireland* ever since hath been ruled and preserved in peace and unity, the English language also being through continual commerce the common speech among them. Cok. Com.

To draw all to period. By this I hope it is made perspicuous that unions of Kingdoms upon conquest, upon which basis the most parts of such unions have been founded, being pur-

purchaſed by valour, are poſſeſſed and ſetled by the ſweetneſs of clemency, power of Armes, ſeverity of Laws, and communication of language, which is fully demonſtrated by that univerſal union of the *Roman* Orb, as by the particular union of *England*, *Wales*, *Scotland*, and *Iveland*, which is by thoſe means ſo compleatly perfected, and by the proweſs and prudence of the Parliament and it's Conquering Champions ſetled, that as it was worthily vowed by the late King *James*, *faciam eos In gentem unam*, which indeed he did endeavour to have effected; ſo it may be truly averred of the Common-wealth of *England*, *Quod fecit eos in gentem unam*, that it hath made thoſe ſeveral Countries one Nation, which the premiſed Roman courſe being obſerved, may ſo remain and continue, *Dum cælum & ſtellæ eandem rationem obtinent*, whilſt the Sun and Stars run the ſame courſe.

With this hypothetical caution, if union be fostred and cheriſhed among

among our selves, and ambitious and envious discord shunned, which is a swelling and eminent Rock, dasheth in pieces, the firmest commonwealth approaching it, & which was the ruine of the Roman commonwealth it self as the *Venusine* Poet.

Suis & ipsa Roma viribus ruit. Hor. c. 15.

And therefore let us lay aside all occasions of diffidence and suspition which may breed discord and dissention, and remember the animadversion of St. *Paul*, that if you bite and devour one another, take heed you be not consumed one of another; for *humana Consilia Castigantur, ubi divinis præferuntur.*

Thus hath the Author rudely woven a difficult work, which deserves a finer thread and a neater Artist, yet proposing truth for his end, he hopeth it may countenance the simplicity of the stile, for *veritatis sermo simplex* and his labour whatsoever it is, for the profession of truth *aut laudatus, aut excusatus erit*, yet respecting Cok. li. 10. ep. Tacit. Agr.

respecting himself, he is so far from the imagination of praise, that he shall conceive himself favourably dealt withal, if he may find pardon for his presumption.

FINIS.